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TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR ANNUAL CONTRACTS COVERING THE 1948 CROP YEAR (DOLLAR COVERAGE INSURANCE)

The Federal Crop Insurance Program is part of the general program of the United States Department of Agriculture administered for the benefit of agriculture.

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, as amended, these regulations are hereby published and prescribed to be in force and effect, with respect to annual multiple crop insurance contracts for the 1948 crop year, until amended or superseded by regulations hereafter made.

AVAILABILITY OF MULTIPLE CROP INSURANCE

AUTHORITY: §§ 420.1 to 420.41, inclusive, issued under secs. 506 (c), 507 (c), 508, 509, 516 (b), 52 Stat. 73–75, 77, as amended, Pub. Law No. 320, 80th Cong.; 7 U. S. C. and Sup. 1506 (c), 1507 (c), 1508, 1509, 1516 (b).

AVAILABILITY OF MULTIPLE CROP INSURANCE

§ 420.1 *Availability of multiple crop insurance.* (a) Multiple crop insurance under an annual contract for the 1948 crop year will be provided only in accordance with this subpart in Goodhue County, Minnesota, and Gratiot County, Michigan.

(b) Insurance will not be provided in any county unless written applications for multiple crop insurance are filed which cover at least 200 farms in the county. For this purpose an insurance unit shall be deemed to be a farm.

§ 420.2 *Insurable crops.* The insurable crops are corn, flax, oats and wheat in Goodhue County, Minnesota, and dry edible beans, corn, oats and wheat in Gratiot County, Michigan, as follows:

(a) "Corn" means only corn normally regarded as field corn which is planted for harvest as grain. The contract will not provide insurance for true type silage

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

[1] See Title 35, Part 4.

CODIFICATION GUIDE—Con.

[2] P. L. O. 447.
[3] P. L. O. 448.

corn or corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) "Dry edible beans" (herein called "beans") means only pea beans and medium white beans.

(c) "Flax" means only flax seeded for harvest as seed as determined by the Corporation, either seeded alone or (1) in a mixture consisting of flax and wheat, or (2) with perennial grasses or legumes other than vetch.

(d) "Oats" means only oats seeded for harvest as grain as determined by the Corporation, either seeded alone or in a mixture consisting of wheat and oats.

(e) "Wheat" means either winter or spring wheat seeded for harvest as grain as determined by the Corporation, either seeded alone or (1) in a mixture consisting of wheat and flax or wheat and oats in Goodhue County, or (2) in a mixture consisting of wheat and oats in Gratiot County.

MANNER OF OBTAINING INSURANCE

§ 420.3 *Application for insurance and acreage report.* (a) Application for insurance, on a form entitled "Application for Multiple Crop Insurance" may be made by any person to cover his interest as landlord, owner-operator, or tenant, in all insurable crops as set forth in § 420.2: *Provided, however* That if the wheat crop is already covered by a wheat crop insurance contract, it will not be covered by the contract made pursuant to this subpart unless such wheat crop insurance contract is canceled as provided in § 420.4 (b) Applications and acreage reports shall be submitted to the office of the county association or other office specified by the Corporation on or before the applicable closing date shown in § 420.39. In case of death of the insured after the planting of any one of the insured crops is begun for the 1948 crop year, the insured's application shall be deemed to cover any additional acreage of insured crops planted for the insured's estate for the 1948 crop year to the same extent as if such acreage had been planted by the insured.

(b) Each applicant shall specify on a form entitled "Multiple Crop Insurance Acreage Report", filed with his application, the number of acres of each insurable crop on which insurance is desired on each insurance unit considered for crop insurance purposes to be located in the county, and his interest in each such acreage. Any acreage report filed by an applicant may be revised by him on or before the closing date for filing applications. In case a substitute insured crop is to be planted on acreage released by the Corporation in accordance with § 420.15 (a) and such acreage has definite boundaries and a full seeding of the substitute crop is to be made in time reasonably to expect a normal crop to be produced, such acreage of the substitute crop may be reported on a supplemental acreage report if it is filed by the insured with the Corporation representative at the time the first crop is released. After the completion of planting of all insured crops on any insurance unit covered by the application, but not later than June 30, 1948, the insured may file a revised acreage report with respect to such unit showing the actual acreage planted thereon to all insured crops provided the total premium for the insurance unit based on the actual acreage planted is not more than the premium for such unit based on the acreage report on file as of the closing date, including any supplement thereto which meets the requirements set forth above.

§ 420.4 *Acceptance of application by the Corporation.* (a) Upon acceptance of an application by a duly authorized representative of the Corporation, the contract shall be in effect, provided all the requirements in this subpart for the acceptance of applications have been met.

(b) The acceptance by the Corporation of an application submitted pursuant to this subpart will, if the applicant so elects on such application, automatically cancel any existing wheat crop insurance contract in the county between the insured and the Corporation for the 1948 and subsequent crop years.

(c) The Corporation reserves the right to reject any application for insurance in its entirety, or with respect to any insurable crop or any definitely identified acreage.

INSURANCE COVERAGE

§ 420.5 *Insurable acreage.* Any acreage is insurable for a crop if a coverage for such acreage is established for that crop on the county actuarial table and related material before the applicable calendar closing date for filing applications for insurance. Any acreage for which a coverage is not established within the time specified above shall not be considered in any manner whatsoever under the contract except as provided in §§ 420.18 (b) and 420.35.

§ 420.6 *Determination of insured acreage and insured interest.* (a) The insured acreage with respect to each insurance unit shall be the total acreage of all insured crops planted on land included in the insurance unit, as determined by the Corporation: *Provided, however,* That (1) insurance shall not attach with respect to (i) any acreage planted to an insured crop which is destroyed or substantially destroyed (as defined in § 420.15 (a)) and which can be replanted before it is too late to replant to the same crop, as determined by the Corporation, and such acreage is not replanted to such crop, or (ii) any acreage planted to an insured crop too late reasonably to expect a normal crop to be produced, as determined by the Corporation; and (2) if the premium computed for an insurance unit on the basis of the insured's acreage report is less than the premium computed for the planted acreage of all insured crops on the insurance unit, the insured acreage for each insured crop on the insurance unit shall be reduced accordingly.

(b) The insured interest with respect to each insured crop on each insurance unit shall be the insured's interest in the crop at the time of planting as specified on the acreage report, or the interest which the Corporation determines as the insured's actual interest in the crop at the time of planting, whichever the Corporation shall elect: *Provided, however* That, for the purpose of determining loss, the insured interest for a crop shall not exceed the insured's actual interest therein at the time of loss or the beginning of harvest, whichever occurs first.

§ 420.7 *Wheat or oats seeded for purposes other than grain.* If the insured

seeds only a part of his wheat, oats, or a mixture thereof for harvest as grain, he shall submit with his acreage report a designation of any acreage seeded or to be seeded for purposes other than harvest as grain. Upon receipt of this designation and its approval by the Corporation, no premium will be due on such acreage, but any grain threshed from such acreage shall be considered as production on the insured acreage in determining a loss under the contract.

§ 420.8 *Insurance period.* Insurance with respect to any insured acreage shall attach at the time the insured crop is planted. Insurance shall cease with respect to (a) any portion of the corn crop upon harvesting or removal from the field, whichever occurs first, or upon submission of a claim for indemnity, and (b) any portion of the bean, flax, oats, or wheat crop upon threshing or removal from the field, but in no event shall the insurance remain in effect on any crop later than December 10, 1948, unless such time is extended in writing by the Corporation.

§ 420.9 *Coverage per acre.* The coverage per acre for each insured crop shall be the applicable number of dollars, approved by the Corporation for the area in which the insured acreage is located, shown on the county actuarial table on file in the office of the county association or other office specified by the Corporation. The coverage per acre for each insured crop is progressive as shown on the county actuarial table for the crop. If in Goodhue County, Minnesota, a mixture of wheat and flax is seeded the flax coverage shall apply if the Corporation determines that the amount of wheat in the mixture does not exceed the customary amount seeded to facilitate the production of flax, but if the Corporation determine that more than such customary amount of wheat is in the mixture the wheat coverage shall apply. If a mixture of wheat and oats is seeded the oats coverage shall apply.

§ 420.10 *Causes of loss insured against.* The contract shall cover loss of insured crops while in the field due to unavoidable causes, including drought, flood, hail, wind, frost, winter-kill, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease, and such other unavoidable causes as may be determined by the Board of Directors of the Corporation.

§ 420.11 *Causes of loss not insured against.* The contract shall not cover loss caused by:

(a) Failure to follow recognized good farming practices;

(b) Poor farming practices, including but not limited to the use of defective or unadapted seed, failure to plant a sufficient quantity of seed, failure properly to prepare the land for planting or properly to plant, care for or harvest and thresh the insured crop (including unreasonable delay thereof),

(c) Over-pasturage;

(d) Following different fertilizer or farming practices than those considered in establishing the coverage;

(e) Planting an insurable crop on land which is generally not considered capable of producing a crop comparable to that produced on the land considered in establishing the coverage;

(f) Planting a variety of seed which differs materially in yield from the variety considered in establishing the coverage;

(g) Planting excessive acreage under abnormal conditions;

(h) Planting an uninsured crop with an insured crop or in the growing insured crop;

(i) Planting an insured crop under conditions of immediate hazard;

(j) Inability to obtain labor, seed, fertilizer, machinery, repairs, or insect poison;

(k) Breakdown of machinery, or failure of equipment due to mechanical defects;

(l) Neglect or malfeasance of the insured or of any person in his household or employment or connected with the farm as tenant or wage hand;

(m) Domestic animals or poultry; or

(n) Theft.

PREMIUM FOR CONTRACT

§ 420.12 *Amount of premium.* The premium for each insurance unit under the contract shall be based upon (a) the acreage specified on the acreage report (including any supplemental acreage report submitted as provided in § 420.3 (b)) for each insured crop on the insurance unit, (b) the applicable premium rate, and (c) the insured interest in each insured crop. For the purpose of determining the amount of premium, a mixture of flax and wheat seeded together shall be considered as flax and a mixture of oats and wheat seeded together shall be considered as oats. The premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. The premium with respect to any acreage shall be regarded as earned when the insured crop on such acreage is planted.

§ 420.13 *Manner of payment of premium.* (a) By executing the application for multiple crop insurance, the applicant executes a premium note. This note represents a promise to pay to the Corporation, on or before the applicable maturity date specified in § 420.40, the premium for all insurance units covered by the contract. A discount of five per centum shall be allowed on any premium paid in full on or before March 31, 1948. Any premium note not paid at maturity shall bear interest computed not on a per annum basis but as follows: three per centum on the principal amount not paid on or before December 31, 1948, and an additional three per centum on the principal amount owing at the end of each six-month period thereafter.

(b) Payment on any premium shall be made by means of cash or by check, money order, postal note, or bank draft payable to the order of the Treasurer of the United States. All checks and drafts will be accepted subject to collection, and payments tendered shall not be regarded as paid unless collection is made.

(c) Any unpaid amount of any premium (either before or after the date of maturity), plus any interest due, may be deducted from any indemnity payable by the Corporation, from the proceeds of any commodity loan to the insured, and from any payment made to the insured under the Soil Conservation and Domestic Allotment Act, as amended, or any other Act of Congress or program administered by the United States Department of Agriculture.

LOSS

§ 420.14 *Notice of loss or damage of insured crop.* (a) Unless otherwise provided by the Corporation, if material damage occurs to any insured crop, notice in writing shall be given the Corporation, at the office of the county association or other office specified by the Corporation, immediately after such damage occurs and before the crop is harvested, removed, or any other use is made of it. Any such notice shall be given in time to allow the Corporation to make appropriate inspection.

(b) Unless otherwise provided by the Corporation, if, at the completion of harvesting the last insured crop, a loss has been sustained, notice in writing shall be given immediately to the Corporation at the office of the county association or other office specified by the Corporation. If such notice is not given (1) within 15 days after harvesting or threshing is completed, or (2) December 31, 1948, whichever date is earlier, the Corporation reserves the right to reject any claim for indemnity. This notice is in addition to any notice required by paragraph (a) of this section.

§ 420.15 *Released acreage and released crop.* (a) Any acreage on which an insured crop has been destroyed or substantially destroyed may be released by the Corporation for planting to a substitute crop or to be put to another use. The crop shall be deemed to have been substantially destroyed if the Corporation determines that it has been so badly damaged that farmers generally in the area where the land is located and on whose farms similar damage occurred would not further care for the crop, or harvest any portion thereof. Before any acreage is released it shall be inspected by a representative of the Corporation and an appraisal made of the yield that would be realized if the crop on such acreage remained for harvest.

On any acreage where the crop has been partially destroyed but not released by the Corporation, proper measures shall be taken to protect the crop from further damage. There shall be no abandonment of any crop or portion thereof to the Corporation.

(b) In addition to the release provided in paragraph (a) of this section the corn crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested: *Provided, however,* That such corn crop may be used for ensilage or fodder without a release by the Corporation, if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield that would be realized if the crop were harvested.

§ 420.16 *Time of loss.* Loss, if any, with respect to any insurance unit, shall be deemed to have occurred when the insurance periods, as set forth in § 420.8, for all insured crops planted on such unit have ended, unless the Corporation determines that all insured crops on the insurance unit were destroyed or substantially destroyed earlier, in which event the loss shall be deemed to have occurred on the date of such destruction as determined by the Corporation.

§ 420.17 *Proof of loss.* If a loss is claimed, the insured shall submit to the Corporation a statement in proof of loss form containing such information regarding the manner and extent of the loss as may be required by the Corporation. The statement in proof of loss shall be submitted not later than sixty days after the time of loss, unless the time for submitting the claim is extended in writing by the Corporation. If a loss is probable, any insured acreage which is not to be harvested shall be left intact until the Corporation makes an inspection.

It shall be a condition precedent to any liability under the contract that the insured establish the amount of any loss for which claim is made and that such loss has been directly caused by one or more of the hazards insured against by the contract during the insurance period, and that the insured further establish that the loss has not arisen from or been caused by, either directly or indirectly, any of the hazards not insured against by the contract.

§ 420.18 *Amount of loss.* (a) The amount of loss for which indemnity will be payable with respect to any insurance unit will be determined by (1) multiplying the acreage of each insured crop which is planted in time reasonably to expect a normal crop to be produced, by the applicable coverage per acre, and by the insured interest, and (2) subtracting from the total thereof the insured interest in the cash value (as determined by the Corporation) of the total production of all insured crops on the insurance unit: *Provided, however,* That, if the premium computed for the insurance unit on the basis of the acreage specified on the acreage report is less than the premium computed for the planted acreage (as set forth above) of all insured crops on the insurance unit, the amount of loss determined for such planted acreage shall be reduced on the basis of the ratio of the premium computed for the acreage specified on the acreage report to the premium computed for the planted acreage. The cash value of production shall be determined on the basis of the following prices: (1) Corn, $1.30 per bushel; (2) oats, $0.60 per bushel; (3) flax, $5.75 per bushel; (4) wheat, $1.90 per bushel; and (5) beans, 7.6 cents per pound after picking.

The total production for each insured crop on the insurance unit shall include all production determined in accordance with the schedule below. In determining production on an acreage where a mixture of flax and wheat is insured, the production of each commodity shall be determined and handled separately. In determining production on an acreage where wheat and oats are seeded together in a mixture, all production shall be counted as oats on a weight-equivalent basis. Where oats or any other small grains are seeded with the growing wheat crop on acreage not released by the Corporation, all production shall be counted as wheat on a weight-equivalent basis. In the case of an uninsured volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

SCHEDULE

	Crop	Acreage classification	Total production (in bushels of corn, flax, oats, and wheat and in pounds of beans)
1	Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels or pounds determined by dividing the coverage for such acreage by the price set forth in this section for the crop.
2	do	Acreage released by the Corporation and not planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if the acreage were harvested and (2) dividing the result thus obtained by the price set forth in this section for the crop.
3	Wheat	Acreage on which wheat is threshed	Actual production, including (1) the wheat in a mixture of wheat and flax and (2) the entire production where one or more other small grains are seeded with the growing wheat crop on acreage not released, but excluding (1) the entire production where wheat and oats are seeded together in a mixture and (2) the entire production where small grains are seeded in the growing wheat crop on released acreage.
4	do	Acreage on which wheat is not threshed but which is otherwise harvested as grain.	Appraised production.
5	Flax	Acreage on which flax is threshed	Actual production of flax which is threshed, including the flax in a mixture of flax and wheat.
6	Oats	Acreage on which oats are threshed	Actual production of oats which are threshed, including (1) the entire production where wheat and oats are seeded together in a mixture, and (2) the entire production where oats are seeded with the growing wheat crop on released acreage.
7	Corn	Acreage on which the corn is harvested	Actual production, including an appraisal of any corn left in the field after harvest.
8	do	Acreage remaining unharvested on Dec. 10, 1948, or at the time of submission of a statement in proof of loss whichever date is earlier.	Appraised unharvested production.
9	Beans	Acreage on which beans are threshed	Actual production of beans threshed (on a picked basis).
10	Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or pound equivalent of the coverage per acre for harvested acreage, determined on the basis of the price set forth in this section for the crop.
11	do	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or pound equivalent of the coverage per acre for harvested acreage, determined on the basis of the price set forth in this section for the crop, minus the number of bushels or pounds harvested.
12	do	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced because of cause(s) not insured against.

(b) Where the insured commingles production from two or more insurance units or portions thereof and fails to establish and maintain records satisfactory to the Corporation of acreage or the production from each of the component parts, the insurance with respect to such units may be voided by the Corporation and the premium forfeited by the insured: *Provided, however,* That, if all the component parts are insured, the loss for the combination shall be determined as outlined in paragraph (a) of this section. Where the insured fails to establish and maintain separate records, satisfactory to the Corporation, of uninsured acreage and production therefrom, and for one or more insurance units or portions thereof, any production from such acreage which is commingled with the production from the insured acreage shall be considered to have been produced on the insured acreage, or the insurance with respect to such unit(s) under the contract may be voided by the Corporation and the premium forfeited by the insured.

PAYMENT OF INDEMNITY

§ 420.19 *When indemnity payable.* The amount of loss for which the Corporation may be liable with respect to any insurance unit covered by the contract shall be payable within thirty days after satisfactory proof of loss is approved by the Corporation. However, if payment of any indemnity is delayed for any reason beyond the time specified, the Corporation shall not be liable for interest or damages on account of such delay.

§ 420.20 *Indemnity payment.* (a) Any indemnity due under the contract will be paid by issuance of a check payable to the order of the person(s) entitled to such payment under this subpart.

(b) Any indemnity payable under a contract shall be paid to the insured or such other person as may be entitled to the benefits of the contract under the provisions of this subpart, notwithstanding any attachment, garnishment, re-

ceivership, trustee process, judgment, levy, equity, or bankruptcy, directed against the insured or such other person, or against any indemnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof be a proper party to any suit or action with reference to such indemnity, nor be bound by any judgment, order, or decree rendered or entered therein. No officer, agent, or employee of the Corporation shall, because of any such process, order, or decree, pay or cause to be paid to any person other than the insured or other person entitled to the benefits of the contract, any indemnity payable, in accordance with the provisions of the contract. Nothing herein contained shall excuse any person entitled to the benefits of the contract from full compliance with, or performance of, any lawful judgment, order or decree with respect to the disposition of any sums paid thereunder as an indemnity.

(c) If a check issued in payment of an indemnity is returned undeliverable at the last known address of the payee, and if such payee or other person entitled to the indemnity makes no claim for payment within two years after the issuance of the check, such claim shall not thereafter be payable, except with the consent of the Corporation.

(d) The Corporation shall provide for the posting in each county at the county courthouse of a list of indemnities paid for losses on farms in such county.

§ 420.21 *Other insurance.* (a) If the insured has or acquires any other insurance against substantially all the risks that are insured against by the Corporation under the contract, regardless of whether such other insurance is valid or collectible, the liability of the Corporation shall not be greater than its share would be if the amount of its obligations were divided equally between the Corporation and such other insurer.

(b) In any case where an indemnity is paid to the insured by another Government agency because of damage to any insured crop, the Corporation reserves the right to determine its liability under the contract, taking into consideration the amount paid by such other agency.

§ 420.22 *Subrogation.* The Corporation may require from the insured an assignment of all rights of recovery against any person(s) for loss or damage to the extent that payment therefor is made by the Corporation, and the insured shall execute all papers required and shall do everything that may be necessary to secure such rights.

§ 420.23 *Creditors.* An interest existing by virtue of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or any other process shall not be considered an interest in any insured crop within the meaning of this subpart.

PAYMENT OF INDEMNITY TO PERSONS OTHER THAN ORIGINAL INSURED

§ 420.24 *Indemnity subject to all provisions of contract.* Indemnities shall be subject to all provisions of the contract, including the right of the Corporation to deduct from any indemnity the unpaid amount of any earned premium, plus any interest due, or any other obligation of the insured to the Corporation: *Provided, however,* That in case of a transfer of an interest in any insured crop, such deduction to be made from an indemnity payable to the transferee shall not exceed the premium, plus any interest, due on the land involved in the transfer, plus the unpaid amount of any other obligation of the transferee to the Corporation. Any indemnity payable to any person other than the original insured shall be subject to any collateral assignment of the contract by the original insured.

§ 420.25 *Collateral assignment of right under contract.* The right to an indemnity under a contract may be assigned by the original insured as collateral security for a loan or other obligation of such insured. Such assignment shall be made by the execution of a form entitled "Collateral Assignment," and, upon approval thereof by the Corporation, the interests of the assignee will be recognized if an indemnity is payable under the contract, to the extent of the amount determined to be the unpaid balance of the amount (including interest and other charges) for which such assignment was made as collateral security: *Provided, however* That (a) payment of any indemnity will be subject to all conditions and provisions of the contract and to any deductions authorized under § 420.24 and, (b) payment of the indemnity may be made by check payable jointly to all persons entitled thereto and such payment shall constitute a complete discharge of the Corporation's obligation with respect to any loss under the contract. The Corporation's approval of an assignment shall not create in the assignee any right other than that derived from the assignor: *Provided, however* That the assignee may submit a "Statement in Proof of Loss" if the insured refuses to submit, or disappears without having submitted, such statement. The Corporation shall in no case be bound to accept notice of any assignment of the contract, and nothing contained in any assignment shall give any right against the Corporation to any person other than the insured, except to an assignee approved by the Corporation. Only one such assignment will be recognized in connection with the contract, but if an assignment is released, a new assignment may be made.

§ 420.26 *Payment to transferee.* In the event of a transfer of all or a part of the insured interest in any insured crop before the beginning of harvest or the time of loss, whichever occurs first, the transferor shall immediately notify the Corporation thereof in writing at the office of the county association, or other office specified by the Corporation. The transferee under such a transfer shall be entitled to the benefits of the contract with respect to the interest so transferred, subject to any assignment made by the original insured in accordance with § 420.25: *Provided, however* That the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop(s) than would have been paid if the transfer had not taken place: *Provided, further,* That an involuntary transfer of an insured interest in any insured crop solely because of the existence of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or other process, shall not entitle any holder of any such interest to any benefits under the contract. If, as a result of any such transfer, diverse interests appear with respect to any insurance unit, the indemnity, if any, payable with respect to such unit may be paid jointly to all persons having the insured interest in the crop(s) at the time harvest is commenced or the time of loss, whichever occurs first, or to one of such persons on behalf of all such persons, and payment in any such manner shall constitute a complete discharge of the Corporation's liability with respect to such unit under the contract.

§ 420.27 *Death, incompetence, or disappearance of insured.* (a) If the insured dies, is judicially declared incompetent, or disappears after seeding any insured crop(s) but before the time of loss, and his insured interest in the insured crop(s) is a part of his estate at such time, or if the insured dies, is judicially-declared incompetent, or disappears subsequent to such time, the indemnity, if any, shall be paid to the legal representative of his estate, if one is appointed or is duly qualified. If no such representative is or will be so qualified, the indemnity shall be paid to the persons beneficially entitled to share in the insured interest in the crop(s) or to any one or more of such persons on behalf of all such persons: *Provided, however,* That if the indemnity exceeds $500, the Corporation may withhold the payment of the indemnity until a legal representative of the insured's estate is duly qualified to receive such payment.

(b) If the insured dies, is judicially declared incompetent or disappears after the seeding of any insured crop but before the time of loss, and his interest in the insured crop(s) is not a part of his estate at such time, the indemnity, if any, shall be paid to the person(s) who succeeded to his interest in the crop in the manner provided for in § 420.26.

(c) If an applicant for insurance or the insured, as the case may be, dies, or is judicially declared incompetent less than 15 days before the closing date for the filing of applications for insurance and before the beginning of seeding of any insured crop intended to be covered by insurance, whoever succeeds him on the farm with the right to seed the insurable crop(s) as his heir or heirs, administrator, executor, guardian, committee or conservator, shall be substituted for the original applicant or the insured upon filing with the office of the county association, or other office specified by the Corporation, within 15 days (unless such period is extended by the Corporation) after the date of such death, judicial declaration, or before the date of the beginning of seeding of any insurable crop, whichever is earlier, a statement in writing in the form and manner prescribed by the Corporation, requesting such substitution and agreeing to assume the obligations of the origi-

nal applicant arising out of such application or the contract. If no such statement is filed, as required by this paragraph, the original application or contract shall be void.

(d) The insured shall be deemed to have disappeared within the meaning of this subpart if he fails to file with the office of the county association, or other office specified by the Corporation, written notice of his new mailing address within 180 calendar days after any communication by or on behalf of the Corporation is returned undeliverable at the last known address of the insured.

§ 420.28 *Fiduciaries.* Any indemnity payable under a contract entered into in the name of a fiduciary who is no longer acting in such capacity at the time for the payment of indemnity, will be made to the succeeding fiduciary upon appropriate application and proof satisfactory to the Corporation of his incumbency. If there is no succeeding fiduciary, payment of the indemnity shall be made to the persons beneficially entitled under this subpart to the insured interest in the crop(s) to the extent of their respective interests, upon proper application and proof of the facts: *Provided, however* That the settlement may be made with any one or more of the persons so entitled, and payment may be made to such person or persons in behalf of all the persons so entitled, whether or not the person to whom payment is made has been authorized by the other interested persons to receive such payment.

§ 420.29 *Determination of person to whom indemnity shall be paid.* In any case where the insured has transferred his interest in all or a portion of any insured crop on any insurance unit, or has ceased to act as a fiduciary, or has died, has been judicially declared incompetent or has disappeared, payment in accordance with the provisions of this subpart will be made only after the facts have been established to the satisfaction of the Corporation. The determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment will be made shall be final and conclusive. Payment of any indemnity under this section shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and settled and shall be a bar to recovery by any other person.

REFUNDS OF EXCESS NOTE PAYMENTS

§ 420.30 *Refunds of excess note payments.* The Corporation shall not be required to make a refund of any excess payment made on account of a note until the insured acreage of all insured crops has been determined for all insurance units covered by the contract.

There shall be no refund of an amount less than $1.00 unless written request for such refund is received by the Corporation within one year after the expiration of the contract.

§ 420.31 *Assignment or transfer of claims for refunds not permitted.* No claim for a refund, or any part thereof, or any interest therein, shall be assignable or transferable, notwithstanding any assignment of the contract or any transfer of interest in any insured crop covered by the contract. Refund of any excess note payment will be made only to the person who made such payment, except as provided in § 420.32.

§ 420.32 *Refund in case of death, incompetence, or disappearance.* In any case where a person who is entitled to a refund of a payment has died, has been judicially declared incompetent, or has disappeared, the provisions of § 420.27 with reference to the payment of indemnities in any such case shall be applicable with respect to the making of any such refund.

ESTABLISHMENT OF COVERAGES AND PREMIUM RATES

§ 420.33 *Establishment of coverages per acre.* The Corporation shall establish coverages in dollars per acre, by areas, for each insurable crop. The average of such coverages shall not exceed the average investment per acre in the crop in the area, as determined by the Corporation, taking into consideration recognized farming practices. Coverages so established shall be shown on the County Actuarial Table and be on file in the office of the county association or other office specified by the Corporation.

§ 420.34 *Establishment of premium rates.* The Corporation shall establish premium rates in dollars per acre, by areas, for all crops and land for which coverages per acre are established and such rates shall be those deemed adequate to cover claims for 1948 crop losses under this subpart and to provide a reasonable reserve against unforeseen losses. Premium rates so established shall be shown on the County Actuarial Table and be on file in the office of the county association or other office specified by the Corporation.

GENERAL

§ 420.35 *Records and access to farm.* For the purpose of enabling the Corporation to determine the loss, if any, that may have occurred under the contract, the insured shall keep, or cause to be kept, for one year after the time of loss, records of the harvesting, storage, shipment, sale, or other disposition, of all insured crops produced on each insurance unit covered by the contract and on any uninsured acreage in the county in which he has an interest. Such records shall be made available for examination by the Corporation, and as often as may be reasonably required, any person or persons designated by the Corporation shall have access to the farm(s).

§ 420.36 *Applicant's warranties; voidance for fraud.* In applying for insurance the applicant warrants that the information, data and representations submitted by him in connection with the contract are true and correct, and are made by him, or by his authority, and shall be taken as his act. The contract may be voided and the premium forfeited to the Corporation without the Corporation's waiving any right or remedy, including its right to collect the amount of the note executed by the insured, whether before or after maturity, if at any time the insured has concealed any material fact or made any false or fraudulent statements relating to the contract, the subject thereof, or his interest in any crop covered thereby, or if the insured shall neglect to use all reasonable means to produce, care for or save any crop covered thereby, whether before or after damage has occurred, or if the insured fails to give any notice, or otherwise fails to comply with the terms of the contract, including the note, at the time and in the manner prescribed.

§ 420.37 *Modification of contract.* No notice to any representative of the Corporation or the knowledge possessed by any such representative or by any other person shall be held to effect a waiver of or change in any part of the contract or to estop the Corporation from asserting any right or power under such contract; nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized officer or representative of the Corporation; nor shall any provision or condition of the contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder or by any requirement, act, or proceeding, on the part of the Corporation or of its representatives, relating to appraisal or to any examination herein provided for.

§ 420.38 *Rounding of fractional units.* Premiums and value of production shall be rounded to the nearest cent. Fractions of acres shall be rounded to the nearest tenth of an acre. Total production shall be rounded to the nearest bushel except beans which shall be to the nearest pound. Computations shall be carried through the digit that is to be rounded. If the digit to be rounded is 1, 2, 3, or 4, the rounding shall be downward. If the digit to be rounded is 5, 6, 7, 8, or 9, the rounding shall be upward.

§ 420.39 *Closing date.* The closing date for submission of applications shall be the earlier of (a) the date of the beginning of planting of any insured crop other than winter wheat on any insurance unit to be covered by the contract, or (b) March 31, 1948.

§ 420.40 *Maturity date for premiums.* The maturity date for the payment of premiums shall be July 31, 1948.

§ 420.41 *Meaning of terms.* For the purpose of the Multiple Crop Insurance Program, the term:

(a) "Contract" means the accepted application for insurance and the regulations in this subpart and any amendments thereto.

(b) "Corporation" means the Federal Crop Insurance Corporation.

(c) "County Actuarial Table" means the forms and related material approved by the Corporation for listing the coverages per acre and the premium rates per acre applicable in the county.

(d) "County Association" means the County Agricultural Conservation Association in the county.

(e) "Crop year" means the period within which the insured crops are planted and normally harvested, and shall be designated by reference to the calendar year in which the crops are normally harvested.

(f) "Harvest" means the applicable of the following, where the crop has not been destroyed or substantially destroyed:

(1) For corn—picking the corn from the stalk either by hand or machine, or cutting the corn for fodder or ensilage.

(2) For beans—pulling, raking, bunching, and threshing or combining.

(3) For flax, oats and wheat (including insured mixtures)—any mechanical severance from the land of the matured crop for threshing.

(g) "Insurance unit" means (1) all the insurable acreage of the insured crops in the county in which the insured has 100 percentum interest at the time of planting, or (2) all the insurable acreage of the insured crops in the county which is owned by one person and is operated by the insured as a share tenant, or (3) all the insurable acreage of the insured crops in the county which is owned by the insured and is rented to one share tenant. However, if an applicant so elects on his acreage report on or before March 31, 1948, any two or more insurance units may be combined into one insurance unit. Land rented for cash or for a fixed commodity payment shall be considered to be owned by the lessee.

(h) "Person" means an individual, parnership, association, corporation, estate or trust, or other business enterprise or other legal entity and, wherever applicable, a state, a political subdivision of a state, or any agency thereof.

(i) "State Director" means the representative of the Corporation responsible for the executive direction of the Federal Crop Insurance Program in the State.

(j) "Substitute crop" means any crop planted on released acreage for harvest in 1948.

NOTE: The record keeping requirements of these regulations have been approved by, and subsequent reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on February 11, 1948.

[SEAL] E. D. BERKAW,
Secretary,
Federal Crop Insurance Corporation.

Approved: February 19, 1948.

CLINTON P ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 48-1641; Filed, Feb. 25, 1948; 8:54 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[Supp. Announcement 8]

PART 295—DISPOSAL OF SURPLUS AGRICULTURAL COMMODITIES FOR EXPORT

SUPPLEMENTAL ANNOUNCEMENT TO TERMS AND CONDITIONS OF COTTON SALES FOR EXPORT PROGRAM

Correction

In Federal Register Document 48-132, appearing on page 61 of the issue for Tuesday, January 6, 1948, the reference to "paragraph (e) of § 295.8" should read "paragraph (c) of § 295.8."

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 110—PRIMARY INSPECTION AND DETENTION

DESIGNATION OF PORT ORCHARD, WASH., AS A PORT OF ENTRY FOR SEAMEN

FEBRUARY 6, 1948.

Section 110.1 *Designated ports of entry except by aircraft,* Chapter I, Title 8, Code of Federal Regulations, is amended by inserting "Port Orchard, Wash." between "Port Gamble, Wash." and "Shufleton, Wash." in the list of Class C ports of entry in District No. 12.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup., 1003) as to notice of proposed rule making and delayed effective date is unnecessary because the rule prescribed by the order relieves restrictions and is clearly advantageous to persons affected thereby.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a) 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458; 8 CFR 90.1, 12 F. R. 4781)

T. B. SHOEMAKER,
Acting Commissioner of Immigration and Naturalization.

Approved: February 20, 1948.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 48-1654; Filed, Feb. 25, 1948; 9:00 a. m.]

PART 110—PRIMARY INSPECTION AND DETENTION

REVOCATION OF DESIGNATION OF PRESQUE ISLE AIR BASE, PRESQUE ISLE, MAINE, AS AN AIRPORT OF ENTRY FOR ALIENS

FEBRUARY 20, 1948.

Section 110.3 *Airports of entry,* Chapter I, Title 8, Code of Federal Regulations, is amended by deleting "Presque Isle, Maine, Presque Isle Air Base" from the list in paragraph (b) of temporary airports of entry for aliens.

This revocation of designation shall become effective at the close of business on February 19, 1948. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup., 1003) as to notice of proposed rule making and delayed effective date is impracticable and unnecessary because (1) the Presque Isle Air Base is no longer open for the use of privately owned aircraft and (2) the designation of such airport as a customs airport of entry will expire at the close of business on February 19, 1948.

(Sec. 7 (d), 44 Stat. 572, sec. 1, 54 Stat. 1238; 49 U. S. C. 177 (d))

TOM C. CLARK,
Attorney General.

Recommended: February 6, 1948.

T. B. SHOEMAKER,
Acting Commissioner of Immigration and Naturalization.

[F. R. Doc. 48-1655; Filed, Feb. 25, 1948; 9:00 a. m.]

TITLE 10—ARMY

Subtitle A—Organization, Functions and Procedures of the Department of the Army

PART 2—ORGANIZATION, FUNCTIONS AND PROCEDURES OF AGENCIES DEALING WITH THE PUBLIC

NATIONAL BOARD FOR PROMOTION OF RIFLE PRACTICE AND OFFICE OF DIRECTOR OF CIVILIAN MARKSMANSHIP; CHANGE OF LOCATION AND MAILING ADDRESS

Section 2.54 is rescinded and the following substituted therefor:

§ 2.54 *Location.* The Offices of Executive Officer, National Board for the Promotion of Rifle Practice and Director of Civilian Marksmanship are located in the fifth wing of Temporary Building C, Second and Q Streets SW., Washington 25, D. C. The mailing address of each is as follows:

National Board for the Promotion of Rifle Practice
Department of the Army
Washington 25, D. C.

Director of Civilian Marksmanship
Department of the Army
Washington 25, D. C.

[WDODM 020/13, Feb. 9, 1948] (Sec. 3, 60 Stat. 238; 5 U. S. C. Sup. 1002)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-1651; Filed, Feb. 25, 1948; 8:50 a. m.]

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

ALASKA

CROSS REFERENCE: For order revoking in part Public Land Order 36, as amended by Public Land Order 284, which withdrew public lands in Alaska for the use of the War Department, thereby affecting the tabulation contained in § 501.1, see Public Land Order 447 in the Appendix to Chapter I of Title 43, *infra.*

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg., Serial No. ER-120]

PART 238—CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

ALASKAN AIR CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 18th day of February 1948.

Pursuant to paragraph (d) of § 292.2 of the Economic Regulations (14 CFR 292.2), Economic Regulations are not applicable to Alaskan Air Carriers (as defined in paragraph (a) of said section) except as expressly provided in said paragraph (d) Said paragraph (d) provides that § 238.6 (except paragraph (f) thereof) shall be applicable to Alaskan Air Carriers. It therefore becomes desirable to clarify said § 238.6 of the Economic Regulations by deleting therefrom language which purports to except Alaskan Air Carriers from its provisions.

This is a mere technical amendment which imposes no new requirements, and notice and public procedure are therefore unnecessary.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends § 238.6 of the Economic Regulations (14 CFR 238.6) as follows, effective immediately:

1. By deleting, from the headnote of § 238.6, the words "except Alaskan Air Carriers" so that such headnote shall read as follows: "Temporary suspension of service by air carriers"

2. By deleting, from § 238.6, paragraph (h) thereof.

By the Civil Aeronautics Board.

(Secs. 205 (a) 401, 52 Stat. 984, 987; 49 U. S. C. 425, 481)

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-1644; Filed, Feb. 25, 1948; 8:59 a. m.]

TITLE 15—DEPARTMENT OF COMMERCE

Chapter II—National Bureau of Standards, Department of Commerce

PART 200—TEST FEE SCHEDULES

MISCELLANEOUS AMENDMENTS

In accordance with the provisions of sections 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedure would, because of the nature of these rules, serve no useful purpose.

These rules shall be effective upon the date of publication in the FEDERAL REGISTER.

Section 200.231 *Timepieces* (15 CFR, Part 200) is hereby amended to read as follows:

§ 200.231 *Timepieces.*

Item	Description	Fee
231a	Watches—(5 positions, temperature and isochronism) test under Class A program (54 days), whether granted a Class A certificate, or a report of performance, each	$12.00
231b	Same as 231a, but submitted in groups of 5 or more at the same time, each	10.00
231c	Watches—(5 positions and temperature) test under the "Railroad Precision" test program (10 days), whether granted a certificate or a report, each	5.00
231d	Same as 231c, but submitted in groups of 5 or more at the same time, each	4.00
231e	Watches—(3 positions and temperature) test under "Business Precision" program (15 days), whether granted a certificate or a report, each	4.00
231f	Same as 231c, but submitted in groups of 5 or more at the same time, each	3.25
231g	Chronometers—(Marine) test under the "Chronometer Test" program (30 days), whether granted a certificate or a report, each	8.00
231h	Same as 231g, but submitted in groups of 5 or more at the same time, each	7.00
231i	Stop-watches—test under the "Stop Watch Test" program (1 to 6 days), whether granted a certificate or a report, each	4.00
231j	Same as 231i, but submitted in groups of 5 or more at the same time, each	3.00
231k	Watches—test of pocket or wrist watch in 5 positions at room temperature only (11 days), no certificate to be issued, a report of performance only issued, each	3.00
231l	Same as 231k, but submitted in groups of 5 or more at the same time, each	2.50
231m	Watches—test of pocket or wrist watch in 3 positions at room temperature only (7 days), no certificate to be issued, a report of performance only issued, each	2.50
231n	Same as 231m, but submitted in groups of 5 or more at the same time, each	2.00
231x	Copies of certificates or reports previously issued or reissue of worn or damaged certificates or reports returned, minimum	1.00
231z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

Section 200.241 *Volumetric apparatus* (15 CFR, Part 200) is hereby amended to read as follows:

§ 200.241 *Volumetric apparatus.*

Item	Description	Fee
241a	Flasks of capacities up to and including 250 ml.—testing and stamping, each flask	$0.75
241b	Flasks of capacities above 250 ml.—testing and stamping, each capacity tested	1.00
241c	Transfer pipettes and Babcock test bottles—testing and stamping, each capacity tested	.75
241d	Cylindrical graduates—testing and stamping each interval tested	.75
241e	Specific gravity flasks—testing and stamping, each capacity tested	.75
241f	Certificates of capacity for any of above, when requested, additional, each (In general certificates are not issued for the above.)	.75
241g	Burettes—testing and certifying 5 intervals	4.00
241h	Measuring pipettes—testing 5 intervals	3.00
241i	Burettes—testing capacity of additional intervals, each additional interval	.75
241j	Dilution pipettes (haemocytometers)—testing and stamping, 2 ratios, each pipette	.75
241k	Automatic pipettes (haemocytometers)—testing and stamping, each pipette	.70
241l	Apparatus intended for temperatures other than 20° C., between 15° C. and 30° C.—testing, additional charge for each piece	.50
241m	Apparatus of indicated capacity other than in milliliters—testing, additional charge for each capacity	.50
241n	Apparatus disqualified for test—preliminary examination, charge for each piece	.50
241o	Missing identification numbers—for supplying, charge for each number	.50
241x	Copies of certificates or reports previously issued or reissue of worn or damaged certificates or reports returned, each	1.00
241y	Minimum total charge billed for any test	2.00
241z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

Section 200.242 *Metal capacity standards* (15 CFR, Part 200) is hereby amended to read as follows:

§ 200.242 *Metal capacity standards.*

Item	Description	Fee
242a	Half-bushel and 5-gallon measures—testing and certifying capacity, each	$3.00
242b	Measures of capacity less than ½ bushel and 5 gallons—testing and certifying capacity, each	4.00
242c	Cubic-foot bottles for use in testing gas meters—testing and certifying capacity, each	8.00
242d	⅛₀ cubic-foot bottles for use in testing gas meters—testing and certifying capacity, each	6.00
242e	5-gallon field standards—testing and sealing, each	6.00
242f	Field standards of capacity less than 5 gallons—testing and sealing, each	4.00
242x	Copies of certificates or reports previously issued or reissue of worn or damaged certificates or reports returned, each	1.00
242z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

Section 200.243 *Hydrometers and thermo-hydrometers* (15 CFR, Part 200) is hereby amended to read as follows:

§ 200.243 *Hydrometers and thermo-hydrometers.*

Item	Description	Fee
243a	Hydrometer—test to determine whether or not it complies with Bureau requirements for precision stamp	$2.00
243b	Thermo-hydrometer, as under (a)—test including test of thermometer scale	3.00
243c	Corrections—certification at three points on either or both scales, additional fee	.75
243d	Additional points certified, each	.75
243e	Instrument—determination of weight, additional fee	.75
243f	Missing identification numbers—supplying, charge per number	.50
243x	Copies of certificates or reports previously issued or reissue of worn or damaged certificates or reports returned, each	1.00
243z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

Section 200.244 *Density of solids and liquids* (15 CFR, Part 200) is hereby amended to read as follows:

§ 200.244 *Density of solids and liquids.*

Item	Description	Fee
244a	Density of solids and liquids—determination at room temperature, each	$2.00
244b	Density of solids and liquids—determination at temperatures other than room temperature, between 0° and 50° C., each	4.00
244c	Coefficient of thermal expansion of liquids—determination for single temperature range between 0° and 50° C.	8.00
244d	Coefficient of thermal expansion—determination at additional temperature range between 0° and 50° C., each	4.00
244x	Copies of certificates or reports previously issued or reissue of worn or damaged certificates or reports, each	1.00
244z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

Section 200.251 *Gas measuring instruments* (15 CFR, Part 200) is hereby amended to read as follows:

§ 200.251 *Gas measuring instruments.*

Item	Description	Fee
251a	Portable cubic foot standards (Stillman type)—testing, adjusting, sealing, and certifying	$40.00

Item	Description	Fee
[1] 251b	Gas meter provers not exceeding 5 cubic feet capacity—testing and certifying or reporting	$42.00
[1] 251c	Gas meter provers more than 5 cubic feet capacity—testing and certifying or reporting each 5 cubic feet capacity additional to 251b	8.00
251d	Laboratory wet gas meters—testing and reporting as received	22.00
251e	Laboratory wet gas meters—testing at 1 rate, adjusting index for zero correction and reporting	26.50
251f	Laboratory wet gas meters—testing at several rates within operating range, adjusting index and reporting	37.50
251g	Dry gas meters—rated capacity 600 cubic feet per hour, or less—testing with prover in laboratory at 2 rates of flow and reporting	11.50
251h	Orifices, flow nozzles and other rate-of-flow meters, self contained or for use in pipes up to and including 3-inch pipe:	
	Calibration with water or air at 5 rates of flow	28.00
	Additional fee for meter in 4-inch pipe	10.00
	Additional fee for meter in 6-inch pipe	30.00
	Additional fee for meter in 8-inch pipe	70.00
251i	Orifices, flow nozzles and other rate-of-flow meters, self contained or for use in pipes up to and including 8-inch pipe: for each rate in excess of the 5 covered by 251h	4.00
251j	Orifices, flow nozzles and other rate-of-flow meters for use in pipes up to and including 8-inch pipe, when 2 or more are used interchangeably in the same mounting: calibration with water or air at 5 rates of flow, in addition to the first covered by 251h	15.00
251k	Fabric permeability apparatus—determining the rate of flow-pressure drop relation of 1 orifice or nozzle thereof and reporting	12.00
251l	Fabric permeability apparatus—for each orifice or nozzle thereof in excess of the initial one covered by 251k	4.00
251x	Copies of certificates or reports previously issued or reissue of worn or damaged certificates or reports returned, each	3.00
[1] 251z	Special tests not covered by the above schedule—fees will be based upon the nature of test and time required.	

[1] Gas meter provers must be tested in the place of use; hence all travel expenses and haulage of equipment will be in addition to the test fee and arranged for separately. This applies also to tests of large meters and other special meters where the test work must be done in the field.

(Sec. 312, 47 Stat. 410; 15 U. S. C. 276)

[SEAL] E. U. CONDON,
Director
National Bureau of Standards.

Approved:

WILLIAM C. FOSTER,
Acting Secretary of Commerce.

[F. R. Doc. 48-1656; Filed, Feb. 25, 1948; 9:00 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-390]

PART 175—OFFICE MACHINE MARKETING INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 19th day of February 1948.

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of February 26, 1948.

Statement by the Commission. Trade practice rules for the Office Machine Marketing Industry, hereinafter set forth, are promulgated by the Commission under its trade practice conference procedure.

The industry's business, to which the rules apply, embraces the marketing of office machines at all levels of trade, whether at wholesale, retail, direct from factory, or other form of distribution, and whether upon sale, lease, rental, consignment, or other transaction. The office machines, defined in the rules, are of great variety, including all kinds of typewriters, stenotype machines, bookkeeping machines, adding machines, addressing machines, calculating machines, duplicating machines, autographing registers, and dictating machines, as well as other mechanical devices used in the performance of or training for office work. Members of the industry also engage in servicing and repairing such machines and devices, supplying and installing replacement parts in connection therewith.

Many thousands of individuals and firms are engaged in the business of the industry throughout the United States. Their combined annual sales volume is estimated to be in excess of $300,000,000.

Maintenance of free and fair competition in the conduct of the business and the elimination and prevention of unfair competitive methods is a primary objective of the rules. In addition to listing and defining practices which are to be avoided and prevented as unfair, the rules contain minimum specifications for the proper use of such terms as "demonstrator," "factory rebuilt," "overhauled," and "reconditioned" as applied to typewriters, and include inhibitions against the sale of typewriters as "new" when they have undergone service either as demonstrators or other service sufficient to make it improper to classify them as new or unused machines. The specifications and provisions of the rules show concretely what shall constitute a "demonstrator" typewriter, or one which has been "rebuilt," "factory rebuilt," "overhauled," "reconditioned," etc. These, as well as numerous other provisions, catalog and define unfair practices in relation to the industry and afford a definite guide and officially recognized basis for eliminating misunderstanding, confusion, deception, and unfair methods of competition.

Proceedings for establishment of the rules were authorized by the Commission upon the request of industry representatives. An industry-wide trade practice conference was called by the Commission at which proposals for rules were received from industry members. Thereafter draft of proposed rules was prepared and published and public hearing held for the receipt of views and suggestions of interested or affected parties. Following such hearing, and upon full consideration of the proceeding and due examination of all matters submitted therein, the Commission approved and received, respectively, the rules as hereinafter set forth in Group I and Group II. Such rules are promulgated as of this date to become operative thirty (30) days hereafter.

Being designed to foster and promote the maintenance of fair competitive conditions and protection of the public interest, the rules are to be applied to such end and to the exclusion of any acts or practices which suppress competition, fix or control prices through combination, agreement, or conspiracy, or which otherwise restrain trade.

GROUP I

GROUP II

AUTHORITY: §§ 175.0 to 175.101, inclusive, issued under 38 Stat. 717, as amended; 15 U. S. C. 41, et seq.

DEFINITIONS

"Office machines". As herein used, the term "office machines" shall include all machines and mechanical devices which have for their principal function the performance, or aiding in the performance, of office work, or the training or schooling for office work; also, parts and accessories for such machines and devices. The term "office machines" shall embrace both power-driven and manually-oper-

ated machines and devices of the character mentioned, whether new or not new, and without exception shall include, but not be limited to, typewriters, stenotype machines, bookkeeping machines, adding machines, addressing machines, calculating machines, duplicating machines, autograph registers, and dictating machines, of all kinds, wherever used and whether stationary, portable, or other type.

Products of the industry embrace all such office machines as above defined, including parts and accessories therefor.

GROUP I

§ 175.0 *General statement.* The unfair trade practices embraced in §§ 175.1 to 175.26, inclusive, are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 175.1 *Deception (general)* It is an unfair trade practice to make or cause to be made, directly or indirectly, verbally or through advertising, pictorial representation, invoice, tag, label, mark, or writing upon the product itself, or otherwise, any false, misleading, or deceptive statement or representation concerning the construction, composition, utility, performance, condition, age, name, serial number, model, durability, life expectancy, speed, ease of operation, manufacture, distribution, price, or terms or condition of sale, lease, or rental, of any office machine; or concerning any service or training offered in connection with the sale, lease, or rental of any such machine; or concerning the repair and replacing of parts of any consumer's machine; or which is false or misleading in any other respect. [Rule 1]

§ 175.2 *Deceptive concealment of fact that machine is not new.* (a) Office machines which have been rebuilt, remanufactured, reconditioned, overhauled, repaired, refinished, or otherwise made to have the appearance of not being secondhand machines, or of not having been used, shall be permanently and clearly marked so as to disclose that such products are not new, or that they are secondhand, used, repaired, etc., as the case may be. Such permanent mark may be placed on the back of the machine, provided it is clearly visible. Unless such permanent mark is conspicuously placed, the machine shall also carry a tag, prominently placed, showing the facts required to be disclosed by the permanent mark.

(b) It is an unfair trade practice to offer for sale, sell, or distribute any such office machine without being so marked and/or tagged, such omission having the capacity and tendency or effect of causing purchasers or prospective purchasers to be misled or deceived.

(c) It is also an unfair trade practice to offer for sale, sell, or distribute by any other means any secondhand or used office machine as and for a new machine, subject, however, to the provisions of §§ 175.3 and 175.4 relating to the use of the word "new" in respect to typewriters. [Rule 2]

§ 175.3 *Misuse of the terms "new," "demonstrator," "factory rebuilt," "rebuilt," "remanufactured," "reconditioned," and "overhauled" as applied to office machines.* It is an unfair trade practice, by use of the terms "new," "demonstrator," "factory rebuilt," "rebuilt," "remanufactured," "reconditioned," "overhauled," or any other word or term of similar import, to misrepresent any office machine or to use any such words or terms under conditions having the capacity and tendency or effect of misleading or deceiving. [Rule 3]

§ 175.4 *Typewriters; deception as to being "new."* Subject to the provisos stated below in this section, it is an unfair trade practice, directly or indirectly, to cause any typewriter to be represented or sold as "new" unless such machine meets all of the following requirements:

(a) Is made throughout of new material and parts; and

(b) Is of a model of current manufacture (or of the last model made by a manufacturer who has discontinued manufacturing typewriters) and

(c) Is unimpaired in appearance and operating condition; and

(d) Has not been subjected to any use since completion of original manufacture.

Provided, That nothing in this section, however, shall be construed as inhibiting use of the designation "new" as descriptive of a typewriter which meets the requirements set forth in paragraphs (a), (b) and (c) of this section and has been subjected to no other use since completion of its original manufacture than:

(1) That necessary for the seller to inspect and determine that it is in proper operating condition; and

(2) That incident to brief tryouts by prospective purchasers, which are restricted to a sampling of the machine's performance and its suitability, and are so limited in duration and number as not to result in any appreciable wear to, or impairment of the new appearance of, the machine or any part or parts thereof (see note below); and

Provided also, That no deception is practiced in connection with the sale or offering for sale of such typewriter, and no accompanying or accentuating claim or representation is made importing or implying that the machine has not been subjected to tryout by prospective purchasers, or by others, when such is not the fact.

NOTE: Such tryouts by prospective purchasers mentioned above in subparagraph (2) of this paragraph are not only to be of the character specified and of brief duration, but are also to be limited in number as opposed to extended or repeated use, whether as tryout or otherwise. Tryout operations of the machine aggregating more than a day may necessitate classification of such typewriter either as a demonstrator or used machine, or as one coming within the further provision of this section under which disclosure of the amount of service to which the machine has been subjected is necessary when describing it as a "new" machine, in order to assure against misleading or deceiving purchasers or prospective purchasers.

Provided further That when the typewriter is not of a model of current manufacture, or not of last model made by a manufacturer who has discontinued manufacturing typewriters, but meets the other requirements specified in paragraphs (a) (c) and (d) of this section, nothing in this section shall be construed as prohibiting the description of such typewriter as "new". *Provided,* That, in immediate conjunction and with at least equal conspicuousness or prominence, clear and nondeceptive disclosure of such fact is made.

Provided further, That when the typewriter meets all requirements of paragraphs (a), (b), and (c) set forth above in this section, but has been subjected to use in inspections or in tryouts by prospective purchaser or purchasers for a total period of not exceeding 10 days and has been subjected to no other use or service, nothing in this section shall be construed as prohibiting the description of such typewriter as "new". *Provided,* Such word "new," and representations of similar import, are accompanied, in immediate conjunction and at least with equal conspicuousness and prominence, by a statement nondeceptively disclosing the fact that the machine has been subjected to such tryout use for a period not exceeding ten days, as for example,

This is a new typewriter which has been in trial use for a total of not more than 10 days.

or

With the exception of having been used on trial for a total period of 7 days, this typewriter is a new machine.

[Rule 4]

§ 175.5 *Typewriters; misuse of the terms "demonstrator" "factory rebuilt," "rebuilt," "remanufactured," "reconditioned," and "overhauled" as applied to typewriters.* (a) It is an unfair trade practice, by use of the terms "demonstrator," "factory rebuilt," "rebuilt," "remanufactured," "reconditioned," "overhauled," or any other word or term of similar import, to misrepresent any typewriter or to use any such words or terms under conditions having the capacity and tendency or effect of misleading or deceiving.

(b) In the application of this section respecting typewriters, the following provisions and definitions of the terms mentioned shall apply:

(1) *Demonstrator.* A "demonstrator" typewriter is a typewriter which is of the model last made by the manufacturer and which has never been sold or rented or subjected to any use except by prospective purchasers for the purpose of determining their preference for such machine, or its suitability for their use and need; *Provided, however,* That when a typewriter is not of the latest model but meets all other requirements hereinabove specified for a demonstrator, it may also be described as a "demonstrator" if accompanied by a clear and nondeceptive disclosure of the fact that the machine so described is not the latest model.

(2) *Factory rebuilt.* A "factory rebuilt" typewriter is one which has been stripped down to its base, or completely dismantled, and reconstructed in a factory of the original manufacturer, so as to meet the following requirements:

All internal and external parts made clean and free from rust and corrosion and all impaired, defective, or missing parts, and all worn parts, replaced with new parts; all frames to be unbroken and unbent and to be free from nicks; all frames, cover-plates and nickel to have new finish; type face to be new and to be accurately aligned; all rubber parts to be new; all working mechanism lubricated and properly adjusted; and the machine to be in excellent working order; *Provided, however* That when any machine is reconstructed so as to meet such requirements in a factory other than that of the original manufacturer, nothing herein shall be construed as prohibiting the description of such machine as a "factory rebuilt" when the term is accompanied by a statement clearly indicating that the work was not done by the original manufacturer, as for example:

Factory Rebuilt—
By John Jones & Co.

(3) *Remanufactured.* Application of the term "remanufactured" to typewriters is not recommended, but if so used it shall be applied only to a typewriter which has been stripped down to its base, or completely dismantled and reconstructed in a factory so as to meet the following requirements:

All internal and external parts made clean and free from rust and corrosion and all impaired, defective, or missing parts, and all worn parts, replaced with new parts; all frames to be unbroken and unbent and to be free from nicks; all frames, cover-plates and nickel to have new finish; type face to be new and to be accurately aligned; all rubber parts to be new; all working mechanism lubricated and properly adjusted; and the machine to be in excellent working order; and

Provided further That the term "remanufactured" when so used shall also be accompanied by a statement showing the name of the remanufacturer, as for example:

Remanufactured—
By XYZ Typewriter Co.
(Name of original manufacturer)

or

Remanufactured—
By Doe Typewriter Co.

(4) *Rebuilt.* A "rebuilt" typewriter is one which has been stripped down to its base, or completely dismantled and reconstructed to meet the following specifications:

All internal and external parts made clean and free from rust and corrosion and all substantially worn, impaired, or defective or missing parts replaced with new parts; all frames to be unbroken and unbent and free from nicks; all frames, cover-plates and nickel to have new finish; type face to be whole and in excellent condition and to be accurately aligned; all rubber parts to be new; all working mechanism lubricated and properly adjusted; and the machine to be in excellent working condition.

(5) *Reconditioned or overhauled.* An "overhauled" or "reconditioned" typewriter is one which has undergone repair and conditioning to the extent of meeting the following specifications:

All internal and external parts made clean and free from rust and corrosion; all excessively worn, or impaired, defective, or missing parts, replaced with new parts; finish of all frames, cover-plates, and bright parts to be in good condition; type to be whole, clear, and accurately aligned; all rubber surfaces to be of such size, shape, and condition as to give satisfactory use; working mechanism lubricated and properly adjusted; and the machine to be in good working condition: *Provided, however* That if all other of the foregoing specifications in this subparagraph are met in all respects, and unimpaired used parts in good serviceable condition have been installed as replacement parts instead of new parts, nothing in this provision shall be construed as prohibiting the designation of such typewriter as "reconditioned" or "overhauled" provided the fact that such replacement parts as installed were used parts instead of new parts is clearly and conspicuously disclosed in immediate conjunction with such term "reconditioned" or "overhauled." [Rule 5]

§ 175.6 *Alteration or removal of serial numbers.* (a) To remove, obliterate, deface, alter, or obscure the serial number on any office machine and thereby create a condition having the capacity or tendency of misleading or deceiving purchasers or prospective purchasers as to the identity or age of such machine, or of otherwise aiding, abetting, or causing confusion or deception in the marketing of any such product, is an unfair trade practice.

(b) Nothing herein shall be construed as preventing the replacement of that part of the machine on which the serial number appears when necessary to the rebuilding or repair of such machine and when the original serial number is remarked on the substitute part; nor shall anything herein be construed as preventing the marking of an additional serial number on a "remanufactured" or "rebuilt" machine when in immediate conjunction therewith there appears the word "rebuilt," "remanufactured," or an abbreviation of a distinguishing symbol indicative thereof. [Rule 6]

§ 175.7 *Deception as to "discontinued" or "obsolete" models.* It is an unfair trade practice to represent any office machine as a "discontinued" or "obsolete" model unless the manufacturer has discontinued its manufacture entirely or has replaced it on the market with a new machine or new model embodying specific material changes in appearance, mechanical design, functions, or the addition of new features to perform new functions. [Rule 7]

§ 175.8 *Misrepresentation as to character of business.* It is an unfair trade practice for any member of the industry to represent, directly or indirectly, that he is a manufacturer of office machines, or that he owns or controls a factory making, remanufacturing, or rebuilding such machines, when such is not the fact, or to otherwise misrepresent the character, extent, or type of his business. [Rule 8]

§ 175.9 *Misrepresenting products as conforming to standard.* It is an unfair trade practice to make or publish, or cause to be made or published, directly or indirectly, any false, misleading, or deceptive statement or representation, through advertising or otherwise, representing that any products of the industry conform to a standard recognized in or applicable to the industry when such is not the fact. [Rule 9]

§ 175.10 *Substitution of products.* The practice of shipping or delivering office machines which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without the consent of the purchaser to such substitution and with the tendency and capacity or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 10]

§ 175.11 *Guarantees, warranties, etc.* (a) It is an unfair trade practice to use any guarantee respecting any office machine, or advertisement or representation in relation thereto, which is false, misleading, or deceptive because it does not make reasonable disclosure of the conditions or limitations of the guarantee, or which is false, misleading, or deceptive for any other reason.

(b) Without in any way limiting the foregoing provisions of this section, guarantees of the following type or character shall not be used:

(1) Guarantees containing statements, representations, or assertions which have the capacity and tendency or effect of misleading and deceiving in any respect; or

(2) Guarantees which are so used or are of such form, text, or character as to import, imply, or represent that the guarantee is broader than is in fact true, or that the guarantee covers the entire office machine or certain parts thereof which are not in fact covered, or will afford more protection to purchasers or users than is in fact true; or

(3) Guarantees in which any condition, qualification, or contingency applied by the guarantor thereto is not fully and nondeceptively stated therein, or is stated in such manner or form as to be deceptively minimized, obscured, or concealed, wholly or in part; or

(4) Guarantees which are stated, phrased, or set forth in such manner that although the statements contained therein are literally and technically true, the whole is misleading in that purchasers or users are not made sufficiently aware of certain contingencies or conditions applicable to such guarantee which materially lessen the value or protection thereof as a guarantee to purchasers or users; or

(5) Guarantees which purportedly extend for such indefinite or unlimited period of time or for such long period of

time as to have the capacity and tendency or effect of thereby misleading or deceiving purchasers or users into the belief that the product has or is definitely known to have greater degree of serviceability or durability in actual use than is in fact true; or

(6) Guarantees which have the capacity and tendency or effect of otherwise misrepresenting the serviceability, durability, or lasting qualities of the product, such as, for example, a guarantee extending for a certain number of years or other long period of time when the ability of the product to last, endure, or remain serviceable for such period of time has not been established by actual experience or by competent and adequate tests definitely showing in either case that the product has such lasting qualities under the conditions encountered or to be encountered; or

(7) Purported guarantees in the form of documents, promises, representations or other form which are represented or held out to be guarantees when such is not the fact, or when they involve any deceptive or misleading use of the word "guarantee" or term of similar import; or

(8) Guarantees issued, or directly or indirectly caused to be used, by any member of the industry when or under which the guarantor fails or refuses to scrupulously observe his obligation thereunder or fails or refuses to make good on claims coming reasonably within the terms of the guarantee; or

(9) Guarantees which in themselves or in the manner of their use are otherwise false, misleading, or deceptive.

(c) This section shall be applicable not only to guarantees, but also to warranties, to purported warranties and guarantees, and to any promise or representation in the nature of or purporting to be a guarantee or warranty. [Rule 11]

§ 175.12 *Misrepresentation as to installment sales contracts, their terms, conditions, etc.* It is an unfair trade practice to make or publish, or cause to be made or published, directly or indirectly, any false, misleading, or deceptive statement or representation, through advertising or otherwise, concerning installment sales contracts used, or their terms and conditions, including down payments, interest, carrying charges, etc., or respecting any other matters relative to such contracts or their terms and conditions. [Rule 12]

§ 175.13 *False invoicing.* Withholding from or inserting in an invoice, billing, or statement any material information by reason of which omission or insertion a false record is made, wholly or in part, of the transaction which such invoice, billing, or statement purports to represent, with the effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 13]

§ 175.14 *Misuse of the terms "special," "bargain," "close-outs," "discontinued lines," etc.* It is an unfair trade practice to advertise, or otherwise represent, regular lines of machines as "special," "bargain," "close-outs," "discontinued lines," or by words or representations of similar import, when such are not true in fact; or to so advertise, describe, or otherwise represent machines where the capacity and tendency or effect thereof is to lead the purchasing and consuming public to believe such machines are being offered for sale or sold at greatly reduced prices or at so-called "bargain" prices when such is not the fact. [Rule 14]

§ 175.15 *Fictitious prices.* It is an unfair trade practice to sell or offer for sale machines at prices purported to be reduced from what are in fact fictitious prices, or to sell or offer for sale such machines at a purported reduction in price when such purported reduction is in fact fictitious or is otherwise misleading or deceptive. [Rule 15]

§ 175.16 *False and misleading price quotations.* The publishing or circulating by any member of the industry of false or misleading price quotations, price lists, or terms or conditions of sale, with the tendency and capacity or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 16]

§ 175.17 *Inducing breach of contract.* Inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers by any false or deceptive means whatsoever, or interfering with or obstructing the performance of any such contractual duties or services by such means, with the purpose and effect of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 17]

§ 175.18 *Enticing away employees.* Wilfully enticing away the employees of competitors, with the purpose and effect of unduly hampering, injuring, or prejudicing competitors in their business and destroying or substantially lessening competition, is an unfair trade practice.

NOTE: Nothing in this section shall be construed as prohibiting employees or agents from seeking or obtaining more favorable employment. [Rule 18]

§ 175.19 *Defamation of competitors or disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality, or manufacture of the products of competitors, or of their business methods, selling prices, values, credit terms, policies, or services, or conditions of employment, is an unfair trade practice. [Rule 19]

§ 175.20 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 20]

§ 175.21 *Procurement of competitors' confidential information by unfair means and wrongful use thereof.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained in such manner as to injure said competitor in his business or to suppress competition or unreasonably restrain trade. [Rule 21]

§ 175.22 *Unfair threats of infringement suits.* The circulation of threats of suit for infringement of patents or trade-marks among customers or prospective customers of competitors, not made in good faith but for the purpose or with the effect of thereby harassing or intimidating such customers or prospective customers, or of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 22]

§ 175.23 *Coercing purchase of one product as a prerequisite to the purchase of one or more other products.* The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade, is an unfair trade practice. [Rule 23]

§ 175.24 *Exclusive or pre-emptive deals to eliminate or suppress competition.* When the effect is or may be to substantially lessen competition, or tend to create a monopoly, it is an unfair trade practice for any member of the industry to purchase or otherwise acquire, in whole or in part, from a distributor or dealer, the stock of competing products of any competitor of such industry member, to make loans to a distributor or dealer, to guarantee a distributor or dealer increased profits as compared with profits previously obtained in the handling of competitive industry products, or to furnish or promise to furnish to a distributor or dealer anything of value, when such acts or practices are done:

(a) Upon any express or implied condition, agreement, or understanding that the distributor or dealer will discontinue handling competitive industry products and will handle such member's industry products exclusively; or

(b) As an inducement to the distributor or dealer to discontinue handling competitive industry products; or

(c) As an inducement to the distributor or dealer to eliminate or reduce the display space accorded to, or derogate

the display of, competing industry products and to grant a greater amount of display space, or accord a more favorable display, to such industry member's products. [Rule 24]

§ 175.25 *Prohibited discrimination*—(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* In the marketing in commerce[1] of products of the industry of like grade and quality for use, consumption, or resale within the jurisdiction of the United States, and subject to subparagraphs (1) (i), (ii) and (iii) of this paragraph, it is an unfair trade practice for any member of the industry engaged therein to discriminate in price between different purchasers where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with such industry member or with any person who knowingly receives the benefit of such discrimination or with their customers.

(1) The inhibitions against such discrimination in price shall be applicable irrespective of whether the discrimination in the price itself is effected in the form, or through the means, of rebates, refunds, discounts, credits, allowances, or other form of price differential.

(i) Nothing, however, herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the products are sold or delivered to said purchasers.

(ii) Nor shall anything herein contained prevent persons engaged in selling products in commerce[1] from selecting their own customers in bona fide transactions and not in restraint of trade.

(iii) Nor shall anything herein contained prevent price changes from time to time where made in response to changing conditions affecting either (*a*) the market for the products concerned, or (*b*) the marketability of the products, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the products concerned.

(b) *Prohibited brokerage or commissions.* In the selling of industry products in commerce,[1] it is an unfair trade practice for any member of the industry engaged therein to pay or grant, or to receive or accept, any commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of such products, either to the other party to such transaction or to an agent, representative, or other intermediary therein, where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional alowances, etc.* In the selling of industry products in commerce[1] by any member of the industry, and in the course thereof, it is an unfair trade practice for such member to pay or contract for the payment of anything of value to or for the benefit of his customer as compensation or in consideration for certain services or facilities furnished by or through such customer, unless such payment or consideration is available on proportionally equal terms to all other customers of such member competing in the distribution of such products.

(1) As used in this paragraph, the certain services or facilities referred to are such as are furnished by or through the customer in connection with the processing, handling, sale, or offering for sale, of such industry member's products.

(d) *Prohibited discrimination in services or facilities.* In the sale of industry products bought for resale, with or without processing, it is an unfair trade practice for any member of the industry to discriminate in favor of one purchaser against another purchaser by furnishing certain services or facilities upon terms not accorded to all purchasers on proportionately equal terms.

(1) Said services or facilities referred to in this paragraph are such as are connected with the processing, handling, sale, or offering for sale, of the products purchased, and the term "furnishing" as used in this paragraph shall be construed as including contracting to furnish, and contributing to the furnishing of, the services or facilities.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry, in the course of commerce[1] in which he is engaged knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Exemptions.* The inhibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit. [Rule 25]

§ 175.26 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in the regulations in this part. [Rule 26]

GROUP II

§ 175.100 *General statement.* Compliance with trade practice provisions embraced in § 175.101 is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such section does not per se constitute violation of law. Where, however, the practice of not complying with § 175.101 is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of violation of §§ 175.1 to 175.26, inclusive.

§ 175.101 *Record keeping.* The industry approves of the practice that every seller of office machines shall keep an accurate record of all machines sold showing date of sale, make, type, serial number, model number, condition, and purchaser's name and address, which record shall be kept for a period of not less than five years after each sale. [Rule A]

A Committee on Trade Practices is hereby created to cooperate with the Federal Trade Commission and to perform such acts as may be legal and proper to put these rules into effect.

Promulgated and issued by the Federal Trade Commission February 26, 1948.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-1624; Filed, Feb. 25, 1948; 9:06 a. m.]

[1] As used throughout this section the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

SECURITIES EXEMPTED FROM REGISTRATION; REGISTRATION OF UNISSUED SECURITIES FOR "WHEN ISSUED" DEALING

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly sections 3 (a) (12) 12 and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by the said act, hereby takes the following action:

1. Paragraph (b) of § 240.12a-4 (Rule X-12A-4) is hereby amended by rescinding subparagraphs (4) and (5), by redesignating subparagraph (6) as (5), and by adding after subparagraph (3) a new subparagraph to be designated (4), reading as follows:

§ 240.12a-4 *Exemption of certain warrants from section 12a.* * * *

(b) * * *

(4) Either (i) each subject security is admitted to dealing or is in the process of admission to dealing on a national securities exchange; or (ii) there is available from a registration statement and periodic reports or other data filed by the issuer of each subject security, pursuant to any act or rule administered by the

Commission, information substantially equivalent to that available pursuant to rules or regulations of the Commission in respect of a security duly listed and registered on a national securities exchange, and the rules of the certifying exchange provide that in the publication of quotations or transactions in such warrants (by ticker or otherwise) a symbol or other means be used to indicate that the subject security is neither admitted nor in the process of admission to dealing on a national securities exchange, and such rules provide further that confirmations to purchasers of such warrants contain a statement to that effect.

2. Paragraphs (a) and (c) of § 240.12d3–1 (Rule X-12D3–1) are hereby amended to read as follows:

§ 240.12d3–1 *Definitions.* (a) The term "warrant" means by warrant or certificate evidencing a right to subscribe to or otherwise acquire another security, issued or unissued.

* * * * *

(c) The term "subject security" means a security which is the subject of a warrant or a right to subscribe to or otherwise acquire such security.

3. Paragraph (d) of § 240.12d3–2 (Rule X-12D3–2) is hereby amended to read as follows:

§ 240.12d3–2 *Registration of an unissued warrant.* * * *

(d) Either (1) each subject security is admitted to dealing or is in the process of admission to dealing on a national securities exchange; or (2) there is available from a registration statement and periodic reports or other data filed by the issuer of each subject security, pursuant to any act or rule administered by the Commission, information substantially equivalent to that available pursuant to rules or regulations of the Commission in respect of a security duly listed and registered on a national securities exchange, and the rules of the certifying exchange provide that in the publication of quotations or transactions in such warrants (by ticker or otherwise) a symbol or other means be used to indicate that the subject security is neither admitted nor in the process of admission to dealing on a national securities exchange, and such rules provide further that confirmations to purchasers of such warrants contain a statement to that effect.

The Commission finds that the amendments operate to grant an exemption and may be declared effective immediately pursuant to section 4 (c) of the Administrative Procedure Act.

The foregoing action shall become effective February 19, 1948.

(Secs. 3 (a) (12) 12, 48 Stat. 882, 892, sec. 23 (a) 49 Stat. 1379; 15 U. S. C. 78c, 78l, 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

FEBRUARY 17, 1948.

[F. R. Doc. 48–1638; Filed, Feb. 25, 1948; 8:57 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

CONTROLLED HOUSING RENT REGULATION

Amendment 23 to the Controlled Housing Rent Regulation.[1] The Controlled Housing Rent Regulation (§ 825.1) is amended in the following respect:

1. Schedule B is amended by incorporating item 27 as follows:

27. Provisions relating to the Burnett and Gilroy Judicial Townships of Santa Clara County, California, a portion of the San Jose Defense-Rental Area.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Effective February 25, 1948, the maximum rents for all housing accommodations in the Burnett and Gilroy Judicial Townships of Santa Clara County, California, a part of the San Jose Defense-Rental Area, shall be increased 4 percent except in cases in which the maximum rent has been established under section 4 (b) of this regulation. All provisions of this regulation insofar as they are applicable to the San Jose Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

This amendment shall become effective February 25, 1948.

Issued this 25th day of February 1948.

TIGHE E. WOODS, *Housing Expediter.*

Statement To Accompany Amendment 23 to the Controlled Housing Rent Regulation

The Local Advisory Board for that portion of the San Jose Defense-Rental Area known as the Burnett and Gilroy Judicial Townships of Santa Clara County, California, has, in accordance with section 204 (e) (1) (B) of the Housing and Rent Act of 1947 recommended an increase in the general rent level in the Burnett and Gilroy Judicial Townships of Santa Clara County, California, a part of the San Jose Defense-Rental Area.

The Housing Expediter has found that this recommendation is appropriately substantiated and is in accordance with applicable law and regulations to the extent of 4 percent, and is, therefore, issuing this amendment to effectuate such portion of the recommendation.

[F. R. Doc. 48–1718; Filed, Feb. 25, 1948; 9:30 a. m.]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

Amendment 23 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments.[1] The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§ 825.5) is amended in the following respect:

1. Schedule B is amended by incorporating item 28 as follows:

28. Provisions relating to the Burnett and Gilroy Judicial Townships of Santa Clara County, California, a portion of the San Jose Defense-Rental Area.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Effective February 25, 1948, the maximum rents for all housing accommodations in the Burnett and Gilroy Judicial Townships of Santa Clara County, California, a part of the San Jose Defense-Rental Area, shall be increased 4 per cent except in cases in which the maximum rent has been established under section 4 (b) of this regulation. All provisions of this regulation insofar as they are applicable to the San Jose Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

This amendment shall become effective February 25, 1948.

Issued this 25th day of February 1948.

TIGHE E. WOODS, *Housing Expediter.*

Statement To Accompany Amendment 23 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

The Local Advisory Board for that portion of the San Jose Defense-Rental Area known as the Burnett and Gilroy Judicial Townships of Santa Clara County, California, has, in accordance with section 204 (e) (1) (B) of the Housing and Rent Act of 1947 recommended an increase in the general rent level in the Burnett and Gilroy Judicial Townships of Santa Clara County, California, a part of the San Jose Defense-Rental Area.

The Housing Expediter has found that this recommendation is appropriately substantiated and is in accordance with applicable law and regulations to the extent or 4 per cent, and is, therefore, issuing this amendment to effectuate such portion of the recommendation.

[F. R. Doc. 48–1717; Filed, Feb. 25, 1948; 9:30 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of International Trade, Department of Commerce

Subchapter B—Export Control

PART 800—ORDERS AND DELEGATIONS OF AUTHORITY

ORDER MODIFYING VALIDITY OF CERTAIN PETROLEUM PRODUCTS EXPORT LICENSES

It is hereby ordered, That, effective immediately, and until further notice, export shipments of petroleum products classified under Department of Commerce Schedule B Nos. 501700, 502700,

[1] 12 F. R. 4331, 5421, 5454, 5697, 6027, 6697, 6923, 7111, 7630, 7825, 7893, 8660; 13 F. R. 6, 62, 160, 216, 294, 322, 441, 475, 493, 593.

[1] 12 F. R. 4302, 5423, 5457, 5639, 6027, 6636, 6923, 7111, 7630, 7825, 7893, 8660; 13 F. R. 6, 62, 181, 216, 295, 321, 442, 476, 497, 523.

503000, and 503100 from East Coast ports of the United States are prohibited; and no license authorizing the exportation of any of said commodities shall be valid for use in clearing such shipments for export from East Coast ports of the United States.

This order shall not apply to exportations to Canada; nor to exportations of any of said commodities to other destinations under and within the provisions of the general license for shipments of limited value "GLV" as set forth in § 801.2 (b) and § 802.10 of this subchapter.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 61 Stat. 214, 61 Stat. 321, Pub. Law 395, 80th Cong., 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F R. 12245; E. O. 9919, Jan. 3, 1948, 13 F R. 59)

Dated: February 20, 1948.

FRANCIS MCINTYRE,
Assistant Director
Office of International Trade.

[F. R. Doc. 48-1672; Filed, Feb. 25, 1948; 8:56 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

NAVIGABLE WATERS IN CALIFORNIA

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499) §§ 203.710 and 203.715 are revoked, and the following §§ 203.710, 203.711, 203.712, 203.713, 203.714, 203.715, 203.716, and 203.718, containing general and special rules and regulations to govern the operation of drawbridges across navigable waters of the United States within the State of California, are substituted therefor:

Sec.

AUTHORITY: §§ 203.710 to 203.718, inclusive, issued under 28 Stat. 362; 33 U. S. C. 499.

§ 203.710 *Navigable waters of the United States within the State of California; bridges generally.* (a) The owners of or agencies controlling drawbridges shall provide the necessary tenders and the proper mechanical appliances for the safe, prompt, and efficient opening of the draws for the passage of vessels.

(b) *Signals*—(1) *Sound signals.* To be used if weather conditions are such that sound signals can be heard:

Call signal for opening of draw. Three long blasts, sounded within reasonable hearing distance of the bridge, repeated if necessary, and in time to give due notice to the draw tender.

NOTE: As used in these general regulations, the term "long blasts" means distinct blasts of a whistle or horn or calls through a megaphone of four seconds' duration, or loud and distinct strokes of a bell.

Acknowledging signals:

When draw can be opened immediately. Same as call signal.

When draw cannot be opened immediately, or when it is open and must be closed immediately. Two long blasts, repeated at regular intervals until acknowledged by the vessel. The vessel shall acknowledge by the same signal. Thereafter, as soon as the draw can be opened, the draw tender shall repeat the call signal.

(2) *Visual signals.* To be used if weather conditions are such that sound signals may not be heard:

Call signal for opening of draw. A white flag by day or a white lighted lantern by night, swung in vertical circles at arm's length in full sight of the bridge and facing the draw.

Acknowledging signals:

When draw can be opened immediately. Same as call signal, to be given in full sight of the vessel.

When draw cannot be opened immediately, or when it is open and must be closed immediately. A red flag by day or red lighted lantern by night, swung in vertical circles at arm's length in full sight of the vessel, repeated until acknowledged by the vessel. The vessel shall acknowledge by the same signal, given in full sight of the bridge and facing the draw. Thereafter, as soon as the draw can be opened, the draw tender shall repeat the call signal, given in full sight of the vessel.

(3) *Fog signal.* When fog prevails by day or by night the draw tender, after repeating the call signal, shall toll a bell continuously during the approach and passage of the vessel.

(c) *Prompt opening required except when delayed by train.* The draw shall be opened with the least possible delay on receiving the prescribed signal: *Provided,* That the draw shall not be opened when a train is approaching so closely that it cannot be stopped safely before reaching the bridge, or when a passenger or mail train is approaching within sight or hearing of the draw tender.

(d) *Interference with operation of bridge prohibited.* Trains and vehicles shall not be stopped on a drawbridge for the purpose of delaying its opening, nor shall watercraft be navigated so as to hinder or delay the operation of the draw, but all passage over or through a drawbridge shall be prompt to prevent delay to either land or water traffic.

(e) *Vessels for which openings not required.* A drawbridge shall not be required to open for any vessel carrying appurtenances unessential for navigation which extend above the normal superstructure, if the height of the normal superstructure would permit the vessel to pass under the closed bridge. Military masts shall be considered as part of the normal superstructure.

NOTE: On request, the District Engineer, Corps of Engineers, in charge of a waterway will cause an inspection to be made of the superstructure and appurtenances of a vessel habitually frequenting that waterway with a view to adjusting any differences of opinion in this matter between the vessel owner and a bridge owner.

(f) *Bridges requiring advance notice for prompt opening.* (1) The owners of or agencies controlling bridges for the prompt opening of which advance notice is required by special regulations (§§ 203.712 to 203.718, inclusive) need not keep draw tenders in constant attendance at such bridges

(2) Whenever a vessel, unable to pass under a closed bridge, desires to pass through the draw, advance notice, as specified in the special regulations, of the time the opening is required must be given to the authorized representative of the owner of or agency controlling the bridge to insure prompt opening thereof at the time required. Unless otherwise provided in the special regulations, such advance notice may be given at any regular office of the owner of or agency controlling the bridge. Such notice may also be given to the draw tender or to the person named in the notice posted on the bridge in accordance with subparagraph (4) of this paragraph.

(3) On receipt of such advance notice, the authorized representative, in compliance therewith, shall arrange for the prompt opening of the draw on proper signal at approximately the time specified in the notice.

(4) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can be read easily at any time, a copy of the special regulations pertaining to the respective bridges together with information as to whom notice should be given when it is desired that a bridge be opened and directions for communicating with such person by telephone or otherwise.

(5) Vessels desiring to pass through these bridges without having given advance notice as specified in the special regulations may be delayed, but the owners of or agencies controlling the bridges shall, under such circumstances, use every reasonable means to expedite openings.

(6) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

NOTE: The following special regulations (§§ 203.711 to 203.718, inclusive), modifying and supplementing the foregoing general regulations (§ 203.710), are prescribed for certain bridges where local conditions warrant.

§ 203.711 *Entrance Channel to Long Beach Harbor, Calif., Department of the Navy temporary retractable pontoon bridge.* From 6:45 a. m. to 8:15 a. m. and from 3:40 p. m. to 5:15 p. m. daily, except

Saturdays and Sundays, the draw need not be opened for the passage of vessels except in case of extreme emergency.

§ 203.712 *Tributaries of San Francisco Bay and San Pablo Bay, Calif.*—(a) *Coyote Creek and Mud Slough, a tributary thereof; Southern Pacific Company railroad bridges near Alviso.* At least 24 hours' advance notice required.

(b) *Newark Slough; Southern Pacific Company railroad bridge near Newark.* At least 24 hours' advance notice required. To be given to the Superintendent, Southern Pacific Company, Oakland Pier, Oakland, California.

(c) *San Leandro Bay; Alameda County highway bridge between Alameda and Bayfarm Island.* From 9:00 p. m. to 5:00 a. m. daily, the draw need not be opened for the passage of vessels.

(d) *Oakland Tidal Canal; Department of the Army highway and railroad bridge at Fruitvale Avenue.* All vessels, except motorboats without tow, are forbidden to approach within 300 feet of this bridge for the purpose of eventual passage through the draw except during slack water or when opposing the tidal flow. Vessels and barges shall not attempt passage through the draw while running with the tide, and the bridge will not be opened for vessels under such conditions.

(e) *Corte Madera Creek; Northwestern Pacific Railroad Company bridge and State of California highway bridge near Corte Madera.* At least 24 hours' advance notice required.

(f) *Gallinas Creek; Northwestern Pacific Railroad Company bridge near San Rafael.* At least 24 hours' advance notice required.

(g) *Novato Creek; Northwestern Pacific Railroad Company bridge and State of California highway bridge near Ignacio and Northwestern Pacific Railroad Company bridge near Novato.* At least 24 hours' advance notice required.

(h) *Petaluma Creek; Northwestern Pacific Railroad Company bridge at Black Point.* The owner of or agency controlling this bridge need not keep a draw tender in constant attendance except when the draw is closed for the passage of railroad traffic. At all other times the draw may remain in full open position and unattended. During foggy weather a bell shall be tolled continuously when the draw is in open position.

(i) *Sonoma Creek*—(1) *State of California highway bridge (Sears Point Cutoff Bridge).* At least four hours' advance notice required. To be given to the operator of the State of California highway bridge (Sears Point Cutoff Bridge) across Napa River at Vallejo.

(2) *Northwestern Pacific Railroad Company bridge at Wingo.* At least 24 hours' advance notice required.

(j) *Mare Island Strait, Napa River, and their tributaries*—(1) *Department of the Navy bridge (Mare Island Causeway) and State of California highway bridge (Sears Point Cutoff Bridge) at Vallejo.* From 7:00 a. m. to 8:00 a. m. and from 4:00 p. m. to 5:00 p. m. daily, except Saturdays, Sundays, and holidays, the draws need not be opened for the passage of vessels other than vessels owned, operated, or controlled by the United States.

(2) *Southern Pacific Company railroad bridge at Brazos.* The owner of or agency controlling this bridge need not keep a draw tender in constant attendance except when the draw is closed for the passage of railroad traffic. At all other times the draw may remain in full open position and unattended. During foggy weather a bell shall be tolled continuously when the draw is in open position.

(3) *Dutchman Slough; James Irvine Bridge.* At least 24 hours' advance notice required.

(4) *Devil Slough; Russ Investment Company highway bridge.* At least 24 hours' advance notice required.

§ 203.713 *Minor tributaries of Suisun Bay, Calif.*—(a) *Pacheco Creek; Contra Costa County highway bridge and Southern Pacific Company railroad bridge near Martinez.* At least 24 hours' advance notice required.

(b) *Cordelia Slough; a tributary of Suisun Slough, Southern Pacific Company railroad bridge.* At least 24 hours' advance notice required.

§ 203.714 *San Joaquin River and its tributaries, Calif.*—(a) *San Joaquin River*—(1) *Stockton Port District railroad bridge between Rough and Ready Island and Stockton.* At least 12 hours' advance notice required. To be given to the Director of the Port, Stockton Port District, Stockton, California.

(2) *San Joaquin County highway bridge between Rough and Ready Island and Stockton.* At least 12 hours' advance notice required. To be given to the San Joaquin County Highway Department or to the County Surveyor at Stockton, California.

(3) *Atchison, Topeka and Santa Fe Railway Company bridge near Stockton.* The owner of or agency controlling this bridge shall keep a draw tender in constant attendance from 8:00 a. m. to 5:00 p. m. daily, except Sundays and national holidays. At all other times, at least 12 hours' advance notice required. To be given to the bridge owner's agent at Stockton, California.

(4) *State of California highway bridge (Garwood Bridge)* At least 12 hours' advance notice required. To be given to the Division of Highways Maintenance Superintendent, 1200 Wilson Way, Stockton, California.

(5) *San Joaquin County highway bridge (Brandt Bridge)* At least 12 hours' advance notice required. To be given to the County Surveyor of San Joaquin County, Stockton, California.

(6) *Southern Pacific Company railroad bridge, State of California highway bridges (Mossdale Bridges), and Western Pacific Railroad Company bridge, near Lathrop.* (i) The signal for opening at once all four of these bridges shall be the call signal described in § 203.710 (b) (1) The signal for opening certain of these bridges, and those bridges only, shall be as follows: For the Southern Pacific Company railroad bridge, two long blasts followed by one short blast; for the highway bridges, two short blasts followed by one long blast; and for the Western Pacific Railroad Company bridge, one long blast followed by one short blast and one long blast.

NOTE: As used in these special regulations, the term "long blasts" means distinct blasts of a whistle or horn or calls through a megaphone of four seconds' duration, and the term "short blasts" means distinct blasts of a whistle or horn or calls through a megaphone of one second's duration.

(ii) For upstream passages through these bridges, except as provided in subdivision (iii) of this subparagraph, at least 24 hours' advance notice required. To be given to the Chief Dispatcher of the Southern Pacific Company at Stockton, California, to the Highway Maintenance Superintendent of the Division of Highways, State of California, at Stockton, California, and to the Chief Dispatcher of the Western Pacific Railroad Company at Sacramento, California. For downstream passages through these bridges, the vessel operators shall notify the individual draw tenders at the time the upstream passages are being made.

(iii) During sand dredging seasons, when, in the opinion of the District Engineer, Corps of Engineers, the attendance of draw tenders is required between 8:30 a. m. and 4:30 p. m. from Monday to Saturday, inclusive, these bridges shall, on proper signal, be opened promptly for the passage of all vessels unable to pass under the closed bridges. Prompt opening between 8:30 a. m. and 4:30 p. m. without advance notice from Monday to Saturday, inclusive, will be directed by the District Engineer provided the operators of sand dredging barges give 15 days' written notice to him and at the same time furnish sufficient evidence that such openings without advance notice are necessary to take care of contemplated traffic.

(7) *Drawbridges above Paradise Dam.* At least seven days' advance notice required.

(b) *Burns Cutoff - San Joaquin County highway bridges (Jacobs Road and Upper Highway Bridges) between Roberts Island and Rough and Ready Island.* At least two days' advance notice required. To be given to the County Surveyor of San Joaquin County, Stockton, California.

(c) *Middle River*—(1) *Atchison, Topeka and Santa Fe Railway Company bridge.* The signal for opening this bridge shall be two long blasts followed by one short blast.

(2) *State of California highway bridge between Victoria Island and Drexler Tract.* At least 12 hours' advance notice required. To be given to the Division of Highways Maintenance Superintendent, 1200 Wilson Way, Stockton, California.

(3) *San Joaquin County highway bridge (Williams Bridge) between Union Island and Roberts Island.* At least two days' advance notice required. To be given to the County Surveyor of San Joaquin County, Stockton, California.

(d) *Mormon Channel; City of Stockton highway bridge (Washington Street Bridge) Atchison, Topeka and Santa Fe Railway Company bridge (Edison Street Bridge), and City of Stockton highway bridge (Lincoln Street Bridge).* (1) The signal for opening at once all three of

these bridges shall be the call signal described in § 203.710 (b) (1) The signal for opening any one of these bridges, and that bridge only, shall be as follows: For the Washington Street Bridge, two long blasts followed by one short blast; for the Edison Street Bridge, two short blasts followed by one long blast; and for the Lincoln Street Bridge, one long blast followed by one short blast and one long blast.

(2) The owners of or agencies controlling these bridges shall keep draw tenders in constant attendance from 6:00 a. m. to 6 p. m. daily. At all other times, at least six hours' advance notice required.

(e) *King Island Cut: San Joaquin County highway bridge between King Island and Bishop Tract.* At least 12 hours' advance notice required. To be given to the San Joaquin County Highway Department or to the County Surveyor at Stockton, California.

(f) *Honker Cut: San Joaquin County highway bridge between Empire Tract and King Island.* The owner of or agency controlling this bridge shall keep a draw tender in constant attendance from September to November, inclusive, during such other periods as crop movements may justify, and during periods when, in the opinion of the District Engineer, an emergency exists. In the event that the crop moving season is started earlier than September 1 or is extended later than November 30, the period for prompt opening of the bridge on proper signal shall be adjusted accordingly, provided the operators of vessels navigating this waterway give 15 days' written notice to the San Joaquin County Highway Department or to the County Surveyor at Stockton, California, that such an adjustment is necessary to take care of contemplated traffic. At all other times, at least 12 hours' advance notice required. To be given to the San Joaquin County Highway Department or to the County Surveyor at Stockton, California.

(g) *Little Potato Slough. State of California highway bridge at Terminous.* The owner of or agency controlling this bridge shall keep a draw tender in constant attendance from 8:00 a. m. to 5:00 p. m. throughout the year, and from 5:00 p. m. to 8:00 a. m. from July to October, inclusive, during such other periods as regular crop movements may justify, and during periods when, in the opinion of the District Engineer, Corps of Engineers, an emergency exists. In the event that the crop moving season is started earlier than July 1 or is extended later than October 31, the period for prompt opening of the bridge on proper signal from 5:00 p. m. to 8:00 a. m. shall be adjusted accordingly, provided the operators of vessels navigating this waterway give 15 days' written notice to the Division of Highways Engineer, Stockton, California, that such an adjustment is necessary to take care of contemplated traffic. At all other times, at least 12 hours' advance notice required. To be given to the draw tender verbally, or by mail at Terminous, California, or by telephone through the Lodi Exchange.

(h) *Mokelumne River, including North and South Forks*—(1) *Mokelumne River*—(i) *State of California highway bridge near East Isleton.* The owner of or agency controlling this bridge shall keep a draw tender in constant attendance from 8:00 a. m. to 5:00 p. m., throughout the year, and from 5:00 p. m. to 8:00 a. m. from July to October, inclusive, during such other periods as regular crop movements may justify, and during periods when, in the opinion of the District Engineer, Corps of Engineers, an emergency exists. In the event that the crop moving season is started earlier than July 1 or is extended later than October 31, the period for prompt opening of the bridge on proper signal from 5:00 p. m. to 8:00 a. m. shall be adjusted accordingly, provided the operators of vessels navigating this waterway give 15 days' written notice to the Division of Highways Engineer, Stockton, California, that such an adjustment is necessary to take care of contemplated traffic. At all other times, at least 12 hours' advance notice required. To be given to the draw tender verbally, or by telephone through the Isleton Exchange.

(ii) *Drawbridges above New Hope Landing.* At least two days' advance notice required.

(2) *North Fork; Sacramento and San Joaquin Counties highway bridge (Millers Ferry Bridge).* At least 12 hours' advance notice required. To be given to the San Joaquin County Highway Superintendent or to the County Surveyor at Stockton, California.

(3) *South Fork; San Joaquin County highway bridge (New Hope Landing Bridge)* (i) The signal for opening this bridge shall be two long blasts followed by one short blast.

(ii) At least 12 hours' advance notice required. To be given to the San Joaquin County Highway Superintendent or to the County Surveyor at Stockton, California.

(i) *Snodgrass Slough, Southern Pacific Company railroad bridge and Sacramento County highway bridge.* At least five hours' advance notice required.

§ 203.715 *Georgiana Slough, Calif.*— (a) *Sacramento County highway bridge near Isleton.* (1) The signal for opening this bridge shall be four long blasts.

NOTE: As used in these special regulations, the term "long blasts" means distinct blasts of a whistle or horn or calls through a megaphone of four seconds' duration.

(2) The owner of or agency controlling this bridge shall keep a draw tender in constant attendance from 8:00 a. m. to 5:00 p. m. throughout the year, and from 5:00 p. m. to 8:00 a. m. from June to September, inclusive, during such other periods as regular crop movements may justify, and during periods when, in the opinion of the District Engineer, Corps of Engineers, an emergency exists. In the event that the crop moving season is started earlier than June 1 or is extended later than September 30, the period for prompt opening of the bridge on proper signal from 5:00 p. m. to 8:00 a. m. shall be adjusted accordingly, provided the operators of vessels navigating this waterway give 15 days' written notice to the County Engineer of Sacramento County that such an adjustment is necessary to take care of contemplated traffic. At all other times, at least 12 hours' advance notice required. To be given to the operator of the Sacramento County highway bridge across Sacramento River at Walnut Grove.

(b) *Southern Pacific Company railroad bridge near Isleton.* The signal for opening this bridge shall be four long blasts.

(c) *Sacramento County highway bridge near Walnut Grove.* (1) The signal for opening this bridge shall be four long blasts.

(2) The owner of or agency controlling this bridge shall keep a draw tender in constant attendance from 8:00 a. m. to 5:00 p. m. throughout the year, and from 5:00 p. m. to 8:00 a. m. from June to September, inclusive, during such other periods as regular crop movements may justify, and during periods when, in the opinion of the District Engineer, an emergency exists. In the event that the crop moving season is started earlier than June 1 or is extended later than September 30, the period for prompt opening of the bridge on proper signal from 5:00 to 8:00 a. m. shall be adjusted accordingly, provided the operators of vessels navigating this waterway give 15 days' written notice to the County Engineer of Sacramento County that such an adjustment is necessary to take care of contemplated traffic. At all other times, at least 12 hours' advance notice required. To be given to the operator of the Sacramento County highway bridge across Sacramento River at Walnut Grove.

§ 203.716 *Sacramento River and its tributaries, Calif.*— (a) *Sacramento River*—(1) *Sacramento County highway bridge at Walnut Grove and State of California highway bridge at Paintersville.* (i) For signaling vessels proceeding downstream, the owner of or agency controlling the Sacramento County highway bridge at Walnut Grove shall provide lights which shall be operated simultaneously with the sound signals. The lights shall be located on the east side of the river approximately 3,500 feet upstream from the bridge and shall be visible to approaching vessels. When the draw of the bridge can be opened immediately a flashing green light shall be operated. When the draw of the bridge cannot be opened immediately a flashing red light shall be operated.

(ii) When weather conditions prevent hearing sound signals and obstructions prevent seeing lantern signals, a vessel proceeding downstream may signal for opening of the draw of each of these bridges by swinging the beam of its searchlight from side to side in a vertical arc of about 60 degrees. If the draw can be opened immediately the draw tender shall so signal by projecting a steady beam of his searchlight vertically into the air and holding it steadily in that position until the vessel passes through the draw. If the draw tender finds, after giving the opening signal, that the bridge cannot be opened, he shall extinguish his searchlight immediately, but shall relight it when he is able to open the bridge.

(2) *Southern Pacific Company railroad bridge at Sacramento.* The signal

for opening this bridge shall be four long blasts.

NOTE: As used in these special regulations, the term "long blasts" means distinct blasts of a whistle or horn or calls through a megaphone of four seconds' duration, and the term "short blasts" means distinct blasts of a whistle or horn or calls through a megaphone of one second's duration.

(3) *Southern Pacific Company railroad bridge and State of California highway bridge at Knights Landing.* (i) The signal for opening at once both of these bridges shall be the call signal described in § 203.710 (b) (1) The signal for opening either of these bridges, and that bridge only, shall be as follows: For the railroad bridge, two long blasts followed by one short blast; and for the highway bridge, two short blasts followed by one long blast.

(ii) When weather conditions prevent hearing sound signals and obstructions prevent seeing lantern signals, a vessel proceeding downstream may signal for opening of the draw of each of these bridges by swinging the beam of its searchlight from side to side in a vertical arc of about 60 degrees. If the draw can be opened immediately the draw tender shall so signal by projecting a steady beam of his searchlight vertically into the air and holding it steadily in that position until the vessel passes through the draw. If the draw tender finds, after giving the opening signal, that the bridge cannot be opened, he shall extinguish his searchlight immediately, but shall relight it when he is able to open the bridge.

(iii) The owner of or agency controlling the railroad bridge shall keep a draw tender in constant attendance from 8:00 a. m. to 12:00 p. m. From 12:00 p. m. to 8:00 a. m. the draw may remain in open position and unattended. Owners of vessels contemplating passage through this bridge between 12:00 p. m. and 8:00 a. m. from November to February, inclusive, are requested to notify the bridge owner's General Superintendent at Sacramento, California, at least eight hours in advance of the time they will pass the bridge. When such notice is given and when fog prevails a bell shall be tolled continuously during the approach and passage of a vessel.

(iv) The owner of or agency controlling the highway bridge shall keep a draw tender in constant attendance from 8:00 a. m. to 5:00 p. m., and at all times during periods when, in the opinion of the District Engineer, an emergency exists, or during a hauling season which requires 20 or more passages through the bridge in any 30-day period provided 15 days' written notice of the contemplated traffic is given to the Division of Highways Maintenance Superintendent at Woodland by the operators of the hauling vessels. At all other times, advance notice required. To be given to the Maintenance Superintendent, before 4:00 p. m.

(4) *Sacramento Northern Railway bridge at Meridian.* The owner of or agency controlling this bridge shall keep a draw tender in constant attendance during periods of flood stage. At all other times, at least six hours' advance notice required. To be given to the bridge owner or to its representative in the vicinity.

(5) *State of California highway bridge at Butte City.* At least 24 hours' advance notice required. To be given to the California State Highway Commission or to its representative in the vicinity.

(6) *Drawbridges above Chico Landing.* At least seven days' advance notice required.

(b) *Steamboat Slough, State of California highway bridge at head of Grand Island.* The signal for opening this bridge shall be two long blasts followed by one short blast.

(c) *Miner Slough; State of California highway bridge between northerly end of Ryer Island and Holland Tract.* (1) At least 12 hours' advance notice required. To be given to the Division of Highways Maintenance Superintendent, Rio Vista, California.

(2) In the event that Prospect Slough is impassable for any reason, the Division of Highways shall, on notification of that fact, provide continuous attendance of the draw during the period of such blocking and consequent hauling season on Miner Slough. Vessel owners shall notify the Division of Highways promptly, under such conditions, of the removal of obstruction from Prospect Slough or the termination of their shipping movements through Miner Slough.

(d) *Sutter Slough; Sacramento County highway bridge near Courtland.* (1) The signal for opening this bridge shall be four long blasts.

(2) At least eight hours' advance notice required. To be given to the Sacramento County Engineer or to the operator of the Sacramento County highway bridge across Sacramento River at Walnut Grove.

(e) *Feather River· Sutter County highway bridge at Nicolaus.* At least seven days' advance notice required.

§ 203.718 *Eureka Slough near Eureka, Calif.* At least 24 hours' advance notice required.

[Regs. Jan. 26, 1948, CE 823.01—ENGWR]

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-1653; Filed, Feb. 25, 1948; 9:00 a. m.]

PART 207—NAVIGATION REGULATIONS

MISSISSIPPI RIVER IN VICINITY OF ALGIERS POINT, PORT OF NEW ORLEANS, LA.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.220 governing the movement of vessels on the Mississippi River in the vicinity of Algiers Point, Port of New Orleans, Louisiana, is hereby amended by substituting "Governor Nicholls Street" for "Barracks Street," paragraphs (a) (c) (1), and (g) being amended to read as follows:

§ 207.220 *Mississippi River in the vicinity of Algiers Point, Port of New Orleans, La., movement of vessels.* (a) When the Carrolton gage reads 12 feet on a rising stage of the Mississippi River and until the gage reaches 15 feet on a falling stage, the movement of vessels on the Mississippi River in the vicinity of Algiers Point shall be governed by red and green traffic signal lights in the vicinity of Governor Nicholls Street and Gretna.

* * * * *

(c) *Ascending vessels.* (1) An ascending vessel shall not proceed farther up the river than the Pauline Street Wharf either when a red light is being displayed or when no lights are being displayed from the Governor Nicholls Street tower.

* * * * *

(g) The pilot of any vessel scheduled to leave any wharf above Governor Nicholls Street signal tower, bound downstream around Algiers Point, shall communicate with the Governor Nicholls Street towerman by telephone to determine whether the channel at Algiers Point is clear before leaving.

* * * * *

[Regs. Jan. 14, 1948, CE 800.211 (Mississippi River)—ENGWR] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

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TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

MISCELLANEOUS AMENDMENTS

NOTE: Chapter VI of Executive Order 4314 of September 25, 1925, as amended by Executive Order 6128 of May 10, 1933, and by Executive Order 9563 of June 4, 1945, was further amended by Canal Zone Order 11, November 21, 1947, effective January 1, 1948. Canal Zone Order 11 was issued by the Secretary of the Army under authority vested in the President by section 9 of title 2 of the Canal Zone Code (48 U. S. C. 1318), and delegated to the Secretary of the Army by Executive Order 9746 of July 1, 1946 (3 CFR, 1946 Supp.). Canal Zone Order 11 was filed with the Division of the Federal Register together with the document printed below. The following consists of a codification of Canal Zone Order 11 together with certain regulations issued by the Governor of the Panama Canal. Rule numbers of Executive Order 4314, as amended, are printed in brackets following sections of the codification derived therefrom.

1. The subdivision entitled "Requirements Concerning Officers, Crew, Equipment and Passengers" and embracing §§ 4.28 to 4.47, has been amended by the insertion therein of §§ 4.43a and 4.43b, reading respectively as follows:

§ 4.43a *Passing through locks.* Vessels passing through the locks shall normally be handled by electric towing locomotives; except that a small vessel may be permitted to pass through the locks under its own motive power, in which case the use of the engines while in the locks shall be under the direction of the pilot. Any vessel passing through without a pilot is under the direction of the lockmaster. After cables from the towing locomotives have been placed

aboard, a vessel's main engines may be used, when considered necessary by the pilot, to assist in starting ahead. The main engines shall not be used in any other way while in the locks, except to stop a vessel in an emergency where the towing locomotives are unable to effect a stoppage. [Reg. 41.4, issued by Governor Dec. 15, 1947, effective Jan. 1, 1948, under authority codified in §§ 4.11 and 4.40]

§ 4.43b *Meals to be furnished by vessel in certain cases.* Pilots, extra deck hands, and other Panama Canal personnel on duty aboard a vessel during regular meal hours while the vessel is transiting the Canal, and pilots and extra deck hands on duty aboard a vessel during regular meal hours while the vessel is being shifted from one dock or berth to another, shall be furnished meals by the vessel without charge: *Provided,* That if the vessel is unable to furnish such meals they may be furnished by The Panama Canal at the expense of the vessel. [Reg. 41.5, issued by Governor Dec. 15, 1947, effective Jan. 1, 1948, under authority codified in §§ 4.11 and 4.40]

2. The subdivision entitled "Navigation in Canal and Harbors," embracing §§ 4.48 to 4.105, inclusive, has been reentitled "Rules for the Prevention of Collision in Canal Zone Waters," and has been amended to read as set forth in §§ 4.48 to 4.93 following:

RULES FOR THE PREVENTION OF COLLISION IN CANAL ZONE WATERS

Sec.

AUTHORITY: §§ 4.48 to 4.93, inclusive, issued under Canal Zone Code, title 2, sec. 9, 48 U. S. C. 1318 and E. O. 9746, July 1, 1946, by the Secretary of the Army in Canal Zone Order No. 11, Nov. 21, 1947, effective Jan. 1, 1948, amending Chapter VI of E. O. 4314 of Sept. 25, 1925, as amended. Exceptions are noted in parentheses following Governor's regulations in sections affected.

RULES FOR THE PREVENTION OF COLLISION IN CANAL ZONE WATERS

§ 4.48 *Definitions.* As used in §§ 4.48 to 4.93, inclusive, unless the context otherwise requires:

The word "vessel" includes every description of water craft or other artificial contrivance, other than aircraft, used or capable of being used as a means of transportation on water.

The words "steam vessel" include any vessel propelled by machinery.

The words "under steam" mean under any mechanical power.

Every steam vessel which is under sail and not under steam is to be considered a sailing vessel, and every vessel under steam, whether under sail or not, is to be considered a steam vessel.

A vessel is "under way" when she is not at anchor, or made fast to the shore, or aground.

The word "whistle" means whistle or siren.

The words "short blast" mean a blast of about one second's duration.

The words "prolonged blast" mean a blast of from four to six seconds' duration.

The words "long blast" mean a blast of at least eight seconds' duration. [Rule 46]

§ 4.49 *Application of rules.* Sections 4.48 to 4.93, inclusive, shall be applicable to vessels and aircraft upon the navigable waters of the Canal Zone between a line connecting East Breakwater Light and West Breakwater Light at the Atlantic entrance to the Canal in Limon Bay and a line passing through Channel Buoys 1 and 2 extended to the Canal Zone boundary lines at the Pacific entrance in Panama Bay. Upon all waters of the Canal Zone to seaward, outside these limits, the International Rules shall apply. However, where any naval or military vessel of special construction as certified to by the Secretary of the Navy, or the Secretary of the Treasury in the case of Coast Guard vessels operating under the Treasury Department, or by a corresponding official of a state, other than the United States, shall by virtue of statute, convention or treaty, be exempted from compliance with any requirements of the International Rules of the Road, such type of vessels shall similarly be exempted from compliance with any corresponding requirement under §§ 4.48 to 4.93, inclusive. [Rule 47]

§ 4.50 *Lights; time for display in general.* Sections 4.48 to 4.93, inclusive, concerning lights shall be complied with in all weathers from sunset to sunrise, and during such time no other lights shall be exhibited, except such lights as will not be mistaken for the prescribed lights: *Provided, however* That seagoing vessels, the lights of which comply with the International Rules of the Board, shall not be required to comply with any additional requirements in reference to lights contained in §§ 4.48 to 4.93, inclusive. [Rule 48]

§ 4.51 *Same; steam vessels under way.* A steam vessel when under way shall carry:

(a) On or in front of the foremast, or if a vessel without a foremast then in the forward half of the vessel, a bright white light, so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side, and of such a character as to be visible at a distance of at least five miles.

(b) Either forward or aft of the white light mentioned in paragraph (a) of this section a second white light similar in construction and character to that light. Steam vessels of less than one hundred feet in length may carry in lieu of the after range light of this rule and the stern light of § 4.59, an after range light visible all around the horizon at a distance of at least five miles.

(c) These two white lights shall be so placed in line with and over the keel that one shall be at least fifteen feet higher than the other and in such a position that the lower light shall be forward of the upper one. The horizontal distance between the two white lights shall be at least three times the vertical distance.

(d) On the starboard side a green light so constructed and fixed as to show the light from ahead and not more than half a point on the port bow to two points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least three miles.

(e) On the port side a red light so constructed and fixed as to show the light from ahead and not more than half a point on the starboard bow to two points abaft the beam on the port side, and of such a character as to be visible at a distance of at least three miles.

(f) The said green and red side lights shall be fitted with inboard screens projecting at least three feet forward from the light, so as to prevent these lights from being seen more than half a point across the bow.

(g) A steam vessel under twenty-six feet in length may carry in lieu of the

lights prescribed in paragraphs (d) and (e) of this section, and the screens in paragraph (f) of this section, the combined lantern prescribed in § 4.56 (a) (2) [Rule 49]

§ 4.52 *Same; steam vessel towing another vessel.* A steam vessel when towing another vessel or vessels alongside, or by pushing ahead, shall carry two bright white lights in a vertical line, one over the other, not less than three feet apart, and when towing one or more vessels astern, shall carry an additional bright white light an equal distance above or below such lights. Each of these lights shall be of the same construction and character, and one of them shall be carried in the same position, as the white light mentioned in § 4.51 (a) *Provided,* That, in a vessel with a single mast, such lights may be carried on the mast. The towing vessel shall also show the side lights, stern light, and, if one hundred feet or more in length, the forward or after range light of a steam vessel under way. [Rule 50]

§ 4.53 *Same; vessels and aircraft not under command; vessels laying or picking up cables; vessels carrying dangerous commodities; Canal floating equipment; pipe lines; ferryboats; searchlights.* (a) A vessel which is not under command shall carry, where they can best be seen, and, if a steam vessel, in lieu of the lights required by § 4.51 (a) and (b) two red lights in a vertical line, one over the other, not less than six feet apart, and of such a character as to be visible all around the horizon at a distance of at least three miles; and shall by day carry in a vertical line, one over the other, not less than six feet apart, where they can best be seen, two black balls or shapes each not less than two feet in diameter.

(b) An aircraft on the water which is not under command shall carry, where they can best be seen, two red lights in a vertical line, one over the other, not less than six feet apart, and of such a character as to be visible all around the horizon at a distance of at least three miles. If making way, she shall show, in addition, her running lights; if not making way, she shall not show them.

(c) A vessel employed in laying or in picking up a submarine cable shall carry, in lieu of the lights required in § 4.51 (a) and (b) three lights in a vertical line, one over the other, not less than six feet apart. The highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character as to be visible all around the horizon at a distance of at least three miles. By day she shall carry in a vertical line, one over the other, not less than six feet apart, where they can best be seen, three shapes not less than two feet in diameter, of which the highest and lowest shall be globular in shape and red in color, and the middle one diamond in shape and white.

(d) The vessels and aircraft referred to in this section, when not making way through the water ahead or astern, shall not carry the side lights, but when making way shall carry them.

(e) The lights and shapes required to be shown by this section are to be taken by other vessels as signals that the vessel showing them is not under command and cannot therefore get out of the way.

(f) A vessel employed in the transportation or transfer of inflammable, explosive, or otherwise dangerous commodities shall carry, in addition to her appropriate anchor or running lights, but higher than these lights, where it can best be seen, a red light, such light to be visible all around the horizon at a distance of at least three miles. By day she shall display, where it can best be seen; a red flag.

(g) Any piece of Canal floating equipment that is operated by maneuvering lines, shall carry by day when the lines are taut, a black ball on each side in some conspicuous place at least eight feet above the deck, and near the positions of the maneuvering lines; at night these balls shall be replaced by red lights which shall show all around the horizon and be plainly visible at a distance of at least one mile.

When such mooring lines are slacked in such manner as to no longer form an obstruction in the channel, in daylight the black ball on the appropriate side shall be lowered, and at night the red light over the slack wire shall be extinguished.

(h) Whenever a pipe line is laid in navigable waters, it shall be marked at night by red lights at intervals of two hundred feet. The lights marking the limits of the gate shall be a vertical display of a white and a red light, the white light to be at least four feet above the red light. These lights shall show all around the horizon and be visible at least one mile.

(i) Ferryboats shall carry the range lights and the colored side lights required for other steam vessels of their class; except that double-end ferryboats shall carry in addition to the colored side lights and screens prescribed by § 4.51, and in lieu of the range lights prescribed by that section, a central range of clear bright white lights showing all around the horizon placed at equal altitudes forward and aft.

(j) These signals are not signals of vessels in distress and requiring assistance. Such signals are contained in § 4.91.

(k) Under no circumstances shall the rays of a searchlight be directed into the pilot house, or so as to interfere with the navigation, of another vessel. [Rule 51]

§ 4.54 *Same; sailing vessels and aircraft under way; vessels in tow.* (a) A sailing vessel under way shall carry the same lights as are prescribed by § 4.51 for a steam vessel under way, with the exception of the white lights mentioned therein, which she shall never carry. She shall also carry the stern light prescribed by § 4.59.

(b) An aircraft under way on the water shall not carry the lights required for vessels but shall carry, on the right wing tip, a green side light; on the left wing tip, a red side light; and on the after end of the tail, a white stern light. The side lights shall have approximately the same characteristics as the side lights described for a steam vessel in § 4.51 (d) and (e) and the stern light shall not be visible forward of the beam. Any or all of these lights may be pulsating.

(c) Every vessel in a hawser tow astern of the towing vessel, including rafts, shall carry at or near the forward and after ends, respectively, and at approximately the same heights, a white light. These lights shall be so placed in range with each other that they indicate the fore and aft line of the vessel and shall show all around the horizon with a visibility of at least three miles.

(d) A vessel being towed alongside shall carry the lights prescribed for a sailing vessel in paragraph (a) of this section.

(e) A vessel or vessels being towed by pushing ahead shall carry, at the forward end of the tow, on the starboard side a green light and on the port side a red light, which shall have the same characteristics as the lights described in § 4.51 (d) and (e) and shall be screened as provided in §4.51 (f) [Rule 52]

§ 4.55 *Same; availability and display of sidelights when not fixed.* Whenever, as in the case of small vessels under way during bad weather, the green and red side lights cannot be fixed, these lights shall be kept at hand lighted and ready for use; and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side, nor, if practicable, more than two points abaft the beam on their respective sides.

To make the use of these portable lights more certain and easy, the lanterns containing them shall be painted outside with the color of the light they respectively contain, and shall be provided with proper screens. [Rule 53]

§ 4.56 *Same; small vessels.* Steam vessels of less than forty, and vessels under oars or sails of less than twenty gross tons, respectively, and rowing boats when under way, shall not be required to carry the lights mentioned in §§ 4.51 and 4.54 (a), but if they do not carry them they shall be provided with the following lights:

(a) Steam vessels of less than forty tons shall carry:

(1) In the forward half of the vessel where it can best be seen, a bright white light constructed and fixed as prescribed in § 4.51 (a) and of such a character as to be visible at a distance of at least three miles.

(2) Green and red lights constructed and fixed as prescribed in § 4.51 (d) and (e) and of such a character as to be visible at a distance of at least two miles, or a combined lantern showing a green light and a red light from right ahead to two points abaft the beam on their respective sides. Such lantern shall be carried not less than three feet below the white light.

(b) Vessels of less than twenty tons under oars or sails shall, if they do not carry the side lights, carry, where it can best be seen, a lantern showing a green light on one side and a red light on the other, of such a character as to be visible at a distance of at least one mile, so

that the green light shall not be seen on the port side nor the red light on the starboard side: *Provided,* That, where it is not possible to fix this light, it shall be exhibited in sufficient time to prevent collision.

(c) Small rowing boats, whether under oars or sail, shall only be required to have ready at hand an electric torch or a lighted lantern showing a white light which shall be temporarily exhibited in sufficient time to prevent collision.

(d) The vessels referred to in this section shall not be obliged to carry the lights prescribed by §§ 4.53 (a) and 4.60 (e) [Rule 54]

§ 4.57 *Same; pilot vessels.* (a) Sailing pilot vessels, when engaged on their station on pilotage duty, and not at anchor, shall not show the lights required for other vessels, but shall carry a white light at the masthead, visible all around the horizon at a distance of at least three miles, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed ten minutes.

On the near approach of or to other vessels they shall have their side lights lighted, ready for use, and shall flash or show them at short intervals to indicate the direction in which they are heading, but the green light shall not be shown on the port side, nor the red light on the starboard side.

A sailing pilot vessel of such a class as to be obliged to go alongside of a vessel to put a pilot on board may show the white light instead of carrying it at the masthead, and may, instead of the side lights above mentioned, have at hand, ready for use, a lantern with a green glass on the one side and a red glass on the other, to be used as prescribed above.

(b) A steam pilot vessel, when engaged on her station on pilotage duty, and not at anchor, shall, in addition to the lights and flares required for sailing pilot vessels, carry at a distance of eight feet below her white masthead light, a red light, visible all around the horizon at a distance of at least three miles, and also the side lights required to be carried by vessels when under way.

(c) All pilot vessels, when engaged on their stations on pilotage duty, and at anchor, shall carry the lights and show the flares prescribed above, except that the side lights shall not be shown. When not engaged on their stations on pilotage duty they shall carry the same lights as other vessels of their class and tonnage, whether at anchor or not at anchor. [Rule 55]

§ 4.58 *Same; fishing vessels.* Fishing vessels under way, with fishing gear out, shall carry where they can best be seen a red and a white light, each of such character and so placed as to be visible all around the horizon for a distance of at least two miles. The red light shall be between six and twelve feet higher than the white light and the horizontal distance between them, if any, shall not exceed ten feet. [Rule 56]

§ 4.59 *Same; stern light of vessels under way.* A vessel when under way, except a steam vessel less than one hundred feet in length with an after range light showing all around the horizon, shall carry at her stern a white light, so constructed and screened that it shall show an unbroken light over an arc of the horizon of twelve points of the compass, namely, for six points from right aft on each side of the vessel, and of such a character as to be visible at a distance of at least two miles. Such light shall be carried as nearly as practicable on the same level as the side lights.

In a small vessel, if it is not possible on account of bad weather or other sufficient cause for this light to be fixed, an electric torch or a lighted lantern shall be kept at hand ready for use, and shall, on the approach of an overtaking vessel, be shown in sufficient time to prevent collision. [Rule 57]

§ 4.60 *Same; vessels and aircraft at anchor moored, or aground.* (a) A vessel under one hundred and fifty feet in length, when at anchor, shall carry forward, where it can best be seen, a white light, in a lantern so constructed as to show a clear, uniform, and unbroken light visible all around the horizon at a distance of at least three miles.

(b) A vessel of one hundred and fifty feet or upward in length, when at anchor, shall carry in the fore part of the vessel, where it can best be seen, one such light, and at or near the stern of the vessel, and at such a height that it shall be not less than fifteen feet lower than the forward light, another such light.

(c) Between sunrise and sunset every vessel when at anchor shall carry forward, where it can best be seen, one black ball not less than two feet in diameter.

(d) A vessel moored alongside a wharf or at the side of the Canal and every vessel in a nest which is so moored shall display on the outside of the vessel, at the bow and stern, respectively, a white light visible at least one mile.

(e) A vessel aground shall carry by night the above light or lights and the two red lights prescribed by § 4.53 (a) and by day, where they can best be seen, three black balls, each not less than two feet in diameter, placed in a vertical line one over the other, not less than six feet apart.

(f) An aircraft, when at anchor, shall carry a white light forward, visible all around the horizon at a distance of at least three miles; and in addition, if the aircraft is more than one hundred and fifty feet in length, a white light aft, visible all around the horizon at a distance of at least three miles; and in addition, if the aircraft is more than one hundred and fifty feet in span, a white light on each side to demarcate the maximum lateral dimensions and visible, so far as practicable, all around the horizon at a distance of one mile.

(g) An aircraft aground shall show an anchor light or lights as prescribed in paragraph (e) of this section and in addition two red lights in a vertical line, at least three feet apart, so placed as to be visible all around the horizon. [Rule 58]

§ 4.61 *Same; signals to attract attention.* Every vessel, in addition to the lights which she is by §§ 4.48 to 4.93, inclusive, required to carry, may, in order to attract attention, show a flare-up light or use any detonating or other efficient sound signal that cannot be mistaken for a distress signal, danger signal, or fog signal. [Rule 59]

§ 4.62 *Same; war ships and vessels in convoy.* Nothing in §§ 4.48 to 4.93, inclusive, shall interfere with the operation of any special rules made by the government of any nation with respect to additional station and signal lights for two or more ships of war or for vessels sailing under convoy, or with the exhibition of recognition signals adopted by shipowners, which have been authorized by their respective governments and duly registered and published. [Rule 60]

§ 4.63 *Daytime signal of vessel both under sail and machinery.* A vessel proceeding under sail, when also propelled by machinery, shall carry in the daytime forward, where it can best be seen, one black cone, point upwards, not less than two feet in diameter at its base. [Rule 61]

§ 4.64 *Sound signals; how given; signals for fog, etc.* A steam vessel shall be provided with an efficient whistle, sounded by steam or by some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog horn, to be sounded by mechanical means, and also with an efficient bell. In all cases where the rules require a bell to be used, a drum may be substituted on board Turkish vessels, or a gong where such articles are used on board small seagoing vessels. A sailing vessel of twenty gross tons or upward shall be provided with a similar fog horn and bell.

All signals prescribed by this section for vessels under way shall be given:

By "steam vessels" on the whistle.

By "sailing vessels" on the fog horn.

By vessels towed on the whistle or fog horn.

The words "prolonged blast" used in this section shall mean a blast of from four to six seconds' duration.

In fog, mist, heavy rainstorms, or any other atmospheric condition restricting visibility, whether by day or night, the signals described in this section shall be used as follows, namely:

(a) A steam vessel having way upon her shall sound, at intervals of not more than one minute, a prolonged blast.

(b) A steam vessel under way, but stopped, and having no way upon her, shall sound, at intervals of not more than one minute, two prolonged blasts, with an interval of about one second between.

(c) If two steam vessels are in proximity, and either vessel is in doubt as to the action of the other, she shall immediately sound four or more short and rapid blasts, the danger signal.

(d) A sailing vessel under way shall sound, at intervals of not more than one minute, when on the starboard tack, one blast; when on the port tack, two blasts in succession, and when with the wind abaft the beam three blasts in succession. When under way but not under command because of lack of wind or other cause she shall use the signal prescribed in paragraph (f) of this section.

(e) A vessel when at anchor shall, at intervals of not more than one minute, ring the bell rapidly for about five seconds.

In a vessel of more than three hundred and fifty feet in length the bell shall be sounded in the forepart of the vessel, and in addition, there shall be sounded in the after part of the vessel, at intervals of not more than one minute, a gong or other instrument, the tone of which cannot be confused with that of the bell.

(f) A vessel when towing, a vessel employed in laying or in picking up a submarine cable, and a vessel under way, which is unable to get out of the way of an approaching vessel through being not under command, or unable to maneuver as required by the rules, shall sound, instead of the signals prescribed in paragraphs (a) and (d) of this section, at intervals of not more than one minute, a signal of three blasts in succession, namely, one prolonged blast followed by two short blasts.

(g) A vessel being towed astern, if manned, shall sound, at intervals of not more than one minute, four blasts in succession, namely, one prolonged blast followed by three short blasts; and such signal shall, when possible, be sounded immediately after each fog signal sounded by the towing vessel. If more than one vessel is so towed, the last vessel in the tow, if manned, shall give this signal; but in any event such signal shall not be given by any vessel in the tow except the last.

(h) A vessel aground in or near a fairway shall give the signal prescribed in paragraph (e) of this section and shall, in addition, give three separate and distinct strokes on the bell immediately preceding and following each such signal.

(i) A vessel when fishing, if of twenty gross tons or upward, shall sound, at intervals of not more than one minute, a blast, each blast to be followed by ringing the bell.

(j) A sailing or fishing vessel of less than twenty gross tons, or an aircraft on the water, shall not be obliged to give the above mentioned signals, but if she does not, she shall make some other efficient sound signal at intervals of not more than one minute. [Rule 62]

§ 4.65 *Speed of vessels.* (a) No vessel shall exceed such maximum speed limits as may be established by the Governor for navigation in Canal Zone waters.

(b) Every vessel shall, in fog, mist, heavy rainstorms, or any other atmospheric condition restricting visibility, go at a moderate speed, having careful regard to the existing circumstances and conditions.

(c) A steam vessel hearing, apparently forward of her beam, the fog signal of a vessel the position of which is not ascertained, shall, so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.

(d) A vessel moored or at anchor shall not get under way when, because of atmospheric conditions, visibility becomes less than one thousand feet. A vessel already under way under such conditions shall anchor or moor as soon as practicable, and immediately report to the Port Captain by radio or other available means. [Rule 63]

§ 4.66 *Maximum speeds of vessels.* Vessels in Canal Zone waters shall not exceed the speeds designated below except in an emergency:

	Knots
Atlantic entrance to Gatun Locks	10
Gatun Lake in the 1,000-foot channels	15
Gatun Lake in the 800-foot channels	12
Gatun Lake in the 500-foot channels	10
Rounding Bohio and Darien Bend	10
Gaillard Cut—In the straight reaches—	
Vessels under 250 feet in length	8
Vessels 250 feet or over in length (or as near 6 knots as possible while maintaining steerage way)	6
In or near locks (except in an emergency)	2
Miraflores Locks to Buoy No. 14	6
Buoy No. 14 to Pacific Entrance	10
Miraflores Lake—	
Vessels under 300 feet in length	6
Vessels 300 feet or over in length shall proceed as slowly as possible consistent with maneuverability.	
Gamboa—	
Passing Reserve Fleet Basin; Concrete Dock and Floating Crane Berth	6
Gatun Lake—	
Gatun Reach Northbound. All vessels should be down to 10 knots when rounding Buoy No. 17	10

[Reg. 63.1, issued by Governor Dec. 15, 1947, effective Jan. 1, 1948, under authority codified in § 4.65]

§ 4.67 *Steering and sailing rules; sailing vessels approaching with risk of collision.* When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, namely:

(a) A vessel which is running free shall keep out of the way of a vessel which is closehauled.

(b) A vessel which is closehauled on the port tack shall keep out of the way of a vessel which is closehauled on the starboard tack.

(c) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.

(d) When both are running free, with the wind on the same side, the vessel which is to the windward shall keep out of the way of the vessel which is to the leeward.

(e) A vessel which has the wind aft shall keep out of the way of the other vessel. [Rule 64]

§ 4.68 *Same; steam vessels approaching with risk of collision.* (a) When two steam vessels are approaching each other so as to involve risk of collision, on substantially opposite courses which will enable them to pass port to port safely without any alteration of course, they shall pass port to port. Either vessel shall give, as a signal of her intention to pass port to port, one short and distinct blast of her whistle, which the other vessel shall answer promptly with a similar blast.

(b) Likewise, when two steam vessels are approaching each other so as to involve risk of collision, on substantially opposite courses so that any alteration of course is necessary to avoid collision, each vessel shall alter her course to starboard and pass on the port side of the other. Either vessel shall give, as a signal of her intention to pass port to port, one short and distinct blast of her whistle, which the other vessel shall answer promptly with a similar blast.

(c) When two steam vessels are approaching each other so as to involve risk of collision, on substantially opposite courses, and their courses are so far to starboard of each other that the vessels can safely pass starboard to starboard without any alteration of course, they shall pass starboard to starboard. Either vessel shall give, as a signal of her intention to pass starboard to starboard, two short and distinct blasts of her whistle, which the other vessel shall answer promptly by two similar blasts.

(d) Under the foregoing provisions of this section two steam vessels, when approaching each other on substantially opposite courses, shall not attempt to pass starboard to starboard unless their courses lie so well clear to starboard of each other that they can so pass without any alteration of course.

(e) Failure to give or receive any of the whistle signals required by this section shall not lessen the duty of both vessels to pass each other as herein prescribed, except when emergency action becomes necessary as provided in § 4.79.

(f) When two vessels are meeting each other in a Canal channel less than eight hundred feet wide, they shall, when about a mile apart, reduce speed, if practicable, and then proceed cautiously until they have passed and cleared.

(g) When two vessels are meeting in the Canal in the vicinity of an obstruction, such as a dredge, drill barge, slide, et cetera, the vessel whose side of the Canal is clear shall have the right of way and shall indicate to the other vessel her intention of using right of way by blowing the whistle signal appropriate for meeting vessels. The other vessel shall answer the signal and shall hold back until the first is clear. [Rule 65]

§ 4.69 *Same; steam vessels crossing with risk of collision.* (a) When two steam vessels are crossing so as to involve risk of collision, other than when one vessel is overtaking another, the vessel which has the other to starboard shall keep out of the way of the other.

(b) If any alteration of course is necessary to comply with this section, the steam vessel which has the other to starboard shall alter her course to starboard sufficiently to pass under the other vessel's stern; but whether altering course or not, she shall give, as a signal of intention to comply with this section, one short and distinct blast of her whistle. The steam vessel which has the other to port shall immediately answer with a similar blast of her whistle and shall keep her course and speed.

(c) This section shall not give the right to a steam vessel entering the main channel of the Canal from either side to cross the bow of a steam vessel proceeding in either direction along the Canal axis. Such a vessel shall keep clear until the vessel in the Canal axis has passed. [Rule 66]

§ 4.70 *Same; steam vessel and sailing vessel.* When a steam vessel and a sailing vessel are proceeding in such directions as to involve risk of collision, except as provided in §§ 4.74 and 4.78, the steam vessel shall keep out of the way of the sailing vessel. [Rule 67]

§ 4.71 *Same; course and speed of favored vessel.* Where, by any of the rules contained in §§ 4.48 to 4.93, inclusive, one of two vessels is to keep out of the way, the other shall keep her course and speed.

NOTE: When, from any cause, the holding-on vessel finds herself so close that collision cannot be avoided by the action of the giving-way vessel alone, she also shall take such action as will best aid to avert collision.

[Rule 68]

§ 4.72 *Same; avoidance of crossing by burdened vessel.* Every vessel which is directed by §§ 4.48 to 4.93, inclusive, to keep out of the way of another vessel shall avoid crossing ahead of the other. [Rule 69]

§ 4.73 *Same; speed of burdened vessel.* Every steam vessel which is directed by §§ 4.48 to 4.93, inclusive, to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed, or stop, or reverse. [Rule 70]

§ 4.74 *Same; overtaking vessels.* Notwithstanding anything contained in §§ 4.48 to 4.93, inclusive, every vessel, overtaking any other, shall keep out of the way of the overtaken vessel.

Every vessel coming up with another vessel from any direction more than two points abaft her beam, that is, in such a position with reference to the vessel which she is overtaking that at night she would be unable to see either of the vessel's side lights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of §§ 4.48 to 4.93, inclusive, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

As the overtaking vessel cannot always know with certainty whether she is forward of or abaft this direction from the other vessel, she should, if in doubt, assume that she is an overtaking vessel and keep out of the way.

(b) When one steam vessel is overtaking another steam vessel so as to involve risk of collision, and the overtaking vessel shall desire to pass on the right or starboard side of the other vessel, she shall give, as a signal of such desire, one short and distinct blast of her whistle, and if the overtaken vessel answers with one short blast, shall direct her course to starboard; or if the overtaking vessel shall desire to pass on the left or port side of the other vessel, she shall give, as a signal of such desire, two short blasts of her whistle, and if the overtaken vessel answers with two short blasts, shall direct her course to port. However, if the overtaken vessel does not think it safe for the overtaking vessel to attempt to pass at that time, she shall immediately so signify by giving several short and rapid blasts of her whistle, not less than four, the danger signal, and under no circumstances shall the overtaking vessel attempt to pass until such time as they have reached a point where it can be safely done, and the overtaken vessel shall have signified her willingness by blowing the proper signal, two short blasts for the overtaking vessel to pass on the port side, one short blast to pass on the starboard side, which signal shall be answered with a similar signal by the overtaking vessel before passing. After an agreement has been reached the overtaken vessel shall in no case attempt to cross the bow or crowd upon the course of the overtaking vessel.

(c) Unless specially authorized by the Governor an overtaking vessel other than a Canal craft shall not pass in the Canal except in Gatun Lake between Buoys 17 and 78. [Rule 71]

§ 4.75 *Same; narrow channels.* In a narrow channel every steam vessel, when proceeding along the line or thread of the channel, shall keep to that side of the fairway or mid-channel which lies on the starboard side of such vessel. When two steam vessels so proceeding are bound in opposite directions, they shall, when it is safe and practicable, be governed by the meeting rule, § 4.68, even when, by reason of an intervening bend in the channel, their headings are not substantially opposite when they first sight each other; and neither of them shall alter course to port across the course of the other. [Rule 72]

§ 4.76 *Same; Panama Canal floating equipment at work.* Panama Canal floating equipment at work in a stationary position in the Canal prism shall have the prior right to such position and no passing vessel shall foul such equipment, or its moorings, or pass at such speed as to create a dangerous wash or wake. Self-propelled Canal craft such as tugs and launches shall, whenever practicable, keep to the side of the Canal when large vessels are passing, but nothing in this section shall be construed to warrant a violation of §§ 4.48 to 4.93, inclusive. [Rule 73]

§ 4.77 *Same; passing floating equipment or vessels under repair* Floating equipment of the Canal from which divers are working, and floating equipment so moored, and vessels under repair and in such condition, that a high wash might cause swamping or be hazardous to the workmen, shall be passed by all vessels at a speed sufficiently slow as not to create a dangerous wash or wake. Such craft shall display, where it can best be seen, a red flag during the day and a red light at night. [Rule 74]

§ 4.78 *Same; fishing vessels.* Sailing vessels under way shall keep out of the way of any vessels fishing with nets or lines or trawls. This section shall not give to any vessel engaged in fishing the right to obstruct a fairway used by vessels other than fishing vessels. Fishing boats shall not anchor or haul nets or trawls in the Canal prism, or elsewhere in the navigable waters of the Canal Zone, unless authorized by the Governor. [Rule 75]

§ 4.79 *Same; special circumstances requiring departure from rules.* In obeying and construing §§ 4.48 to 4.93, inclusive, due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger. When such departure becomes necessary neither vessel shall have the right of way, and both shall navigate with caution until danger of collision is over. [Rule 76]

§ 4.80 *Same; sound signals.* (a) If, when steam vessels are approaching each other, either vessel for any reason regards as unsafe the course or intention of the other, the vessel in doubt shall immediately so signify by giving several short and rapid blasts of her whistle, at least four, the danger signal.

(b) When vessels are in sight of one another a steam vessel under way whose engines are going astern shall indicate that fact by three short blasts of her whistle.

(c) Whenever a steam vessel is nearing a bend in a channel where, from the height of the banks or other cause, a steam vessel approaching from the other direction cannot be seen for a distance of one-half mile, such steam vessel, when she shall have arrived within one-half mile of such bend, shall give a signal by one long blast of her whistle, which signal shall be answered by a similar blast, given by any approaching steam vessel that may be within hearing around the bend. Should such signal be so answered by a steam vessel upon the farther side of such bend, then, immediately upon sighting each other, the usual signals for meeting and passing shall be given and answered. Regardless of whether an approaching vessel on the farther side of the bend is heard, such bend shall be rounded with alertness and caution.

In Gaillard Cut at bends not controlled by signal stations, vessels shall not pass each other in the turn of the bend, and the vessel which has the convex bend on her port shall have the right first to proceed and make the turn.

(d) When a steam vessel is moving from her dock, berth, or anchorage, she shall give a signal by one long blast of the whistle; but she and any approaching vessel shall be governed by § 4.79, the general prudential rule, until her course is apparent, and then both vessels shall be governed by the applicable steering and sailing rules.

(e) The one, two, and three short blast signals and the danger signal provided in §§ 4.48 to 4.93, inclusive, for steam vessels shall never be used except for the purposes prescribed. The one, two, and three short blast signals are never to be used except when vessels are in sight of one another, and the course and position of each can be estimated in the daytime by a sight of the vessel herself, or by night by seeing her navigation lights.

(f) When a steam vessel is approaching floating Canal equipment which has a pipe line obstructing the channel, and desires to pass, she shall give a signal of two blasts, namely, one prolonged blast followed by a short blast, which signal shall be promptly answered by the float-

ing equipment by the same signal if she is ready to have the approaching vessel pass, or by the danger signal if it is not safe for her to pass. In no case shall the approaching vessel attempt to pass until the equipment signifies by complying with § 4.53 (g) and by a signal of one prolonged and one short blast that the channel is open. The equipment shall so signify as soon as practicable, and the approaching vessel shall answer with a similar signal.

(g) When a steam vessel is approaching floating Canal equipment which has maneuvering lines, but not a pipeline, obstructing the channel, and desires to pass, she shall give the appropriate passing signal, which the floating equipment, after promptly slacking her lines and complying with § 4.53 (g) shall answer with a similar signal. If, for any reason, the floating equipment is unable to comply with this section, she shall so signify by blowing the danger signal, and the approaching vessel shall not attempt to pass until the signal provided in § 4.53 (g) has been complied with, and the proper passing whistle signal given, by the floating equipment. After answering the passing signal, the approaching vessel may then proceed. [Rule 77]

§ 4.81 *Unauthorized whistling prohibited.* The unauthorized sounding of the steam whistle or siren is prohibited in Canal Zone waters. This section shall not be construed to interfere with the use of any authorized or required whistle signal. [Reg. 77.1, issued by Governor Dec. 15, 1947, effective Jan. 1, 1948, under authority codified in §§ 4.11 and 4.80]

§ 4.82 *Additional precautions required generally.* Nothing in §§ 4.48 to 4.93, inclusive, shall exonerate any vessel, or the owner or master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case. [Rule 78]

§ 4.83 *Navigation in Gaillard Cut.* No vessel other than vessels transiting the Canal shall navigate in Gaillard Cut except by authority of the Governor. [Rule 79]

§ 4.84 *Control by Port Captain, Balboa.* The movement of vessels in Gaillard Cut will be regulated by the Port Captain, Balboa, through the signal stations and Pedro Miguel Locks. [Reg. 79.1, issued by Governor Dec. 15, 1947, effective Jan. 1, 1948, under authority codified in § 4.83]

§ 4.85 *Towing of certain vessels required.* Vessels without motive power, vessels whose machinery is or becomes disabled, and vessels which steer badly or which are liable to become unmanageable for any reason, must be towed through the Canal; and the Governor may require any vessel to take a tug through Gaillard Cut, in the approaches to the locks, or in any other part of the Canal, when in his judgment such action is necessary to insure the safety of the vessel or of the Canal. The tug service in any of these cases is chargeable to the vessel. The master of a vessel which steers badly, or which is liable to become unmanageable for any reason, shall report such fact and request the services of a tug. [Rule 80]

§ 4.86 *Discovery, during transit, of defect in vessel.* Upon the discovery during transit of the Canal of any defect in a vessel of such serious nature that it might interfere with further passage, the vessel shall stop and, if practicable be anchored or moored at the first available place. A full report shall immediately be made to the port captain by radio or by the best means available. [Rule 81]

§ 4.87 *Anchoring in Canal Zone waters.* No vessel shall anchor in the navigable waters of the Canal Zone except in a designated anchorage or in an emergency. [Rule 82]

§ 4.88 *Assignment of berth.* All vessels entering port shall take the berth or dock assigned them by the Port Captain. [Reg. 82.1, issued by Governor Dec. 15, 1947, effective Jan. 1, 1948, under authority codified in §§ 4.11 and 4.87]

§ 4.89 *Obstructions.* No warp or line shall be passed across any channel or dock so as to obstruct the passage of vessels or cause any interference with the discharging of cargoes. [Reg. 82.2, issued by Governor Dec. 15, 1947, effective Jan. 1, 1948, under authority codified in §§ 4.11 and 4.87]

§ 4.90 *Shifting berth.* Whenever it is deemed advisable by the Receiving and Forwarding Agent or Port Captain to shift the berth of any vessel, shifting will be made by the direction of the Port Captain, and the towing and other expenses thereby incurred will be charged against the vessel so shifted, unless such shift will be for the benefit of the Canal. [Reg. 82.3, issued by Governor Dec. 15, 1947, effective Jan. 1, 1948, under authority codified in §§ 4.11 and 4.87]

§ 4.91 *Distress signals.* When a vessel is in distress and requires assistance from other vessels or from the shore the following shall be the signals to be used or displayed by her, either together or separately, namely:

In the daytime—

First: A gun or other explosive signal fired at intervals of about a minute.

Second: The international code signal of distress indicated by N. C.

Third: The distance signal, consisting of a square flag, having either above or below it a ball or anything resembling a ball.

Fourth: A continuous sounding with any fog-signal apparatus.

At night—

First: A gun or other explosive signal fired at intervals of about a minute.

Second: Flames on the vessel (as from a burning tar barrel, oil barrel, and so forth).

Third: Rockets or shells throwing stars of any color or description, fired one at a time, at short intervals.

Fourth: A continuous sounding with any fog-signal apparatus.

[Rule 83]

§ 4.92 *Orders to helmsmen.* All orders to helmsmen shall be given as follows: "Right rudder" to means "direct the vessel's head to starboard." "Left rudder" to mean "direct the vessel's head to port." [Rule 84]

§ 4.93 *Navigation by, or with respect to, aircraft.* (a) An aircraft operated on the water shall, insofar as possible, keep well clear of all vessels and avoid impeding their navigation. The following rules shall be observed by all aircraft operated on the water and by vessels with respect to such aircraft when approaching so as to involve risk of collision:

(1) *Crossing.* The aircraft or vessel which has the other on the right shall give way so as to keep well clear.

(2) *Approaching head-on.* When two aircraft, or an aircraft and a vessel, approach head-on, or approximately so, each shall alter her course to the right so as to keep well clear.

(3) *Overtaking.* The aircraft or vessel which is being overtaken has the right-of-way, and the one overtaking shall alter her course so as to keep well clear.

(b) When two aircraft, or an aircraft and a vessel, are approaching each other so as to involve risk of collision, each shall proceed with careful regard to existing circumstances and conditions, including the limitations of the respective craft. [Rule 85]

CROSS REFERENCE: For lights on aircraft on navigable waters, see §§ 4.53 (b), 4.54 (b), 4.60 (f) and (g).

J. C. MEHAFFEY,
Governor.

[F. R. Doc. 48-1640; Filed, Feb. 25, 1948; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 447]

ALASKA

REVOKING IN PART PUBLIC LAND ORDER NO. 36 OF SEPTEMBER 7, 1942 WITHDRAWING PUBLIC LANDS FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943 (3 CFR, Cum. Supp.), it is ordered as follows:

Public Land Order No. 36 of September 7, 1942, as amended by Public Land Order No. 284 of June 12, 1945, withdrawing public lands for the use of the War Department, is hereby revoked as far as it affects the hereinafter-described public lands.

Effective upon the signing of this order, the jurisdiction over such lands for administrative purposes shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on April 20, 1948. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject

to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from April 20, 1948, to July 20, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead laws or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. Sup. 279–283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 1, 1948, to April 20, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 20, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on July 21, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from July 2, 1948, to July 21, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 21, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66 of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257, of that Title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Anchorage, Alaska.

The lands affected by this order are described as follows:

SEWARD MERIDIAN

T. 19 N., R. 4 W.,
Sec. 18, SW¼SE¼.

The area described contains 40 acres.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

FEBRUARY 17, 1948.

[F. R. Doc. 48–1629; Filed, Feb. 25, 1948; 8:53 a. m.]

[Public Land Order 448]

ALASKA

REDUCING WITHDRAWAL MADE BY PUBLIC LAND ORDER NO. 386 OF JULY 31, 1947, AND CLASSIFYING AND OPENING RELEASED LANDS TO LEASE AND SALE UNDER ACT OF JUNE 1, 1938, AS AMENDED

By virtue of the authority vested in the President and contained in the act of June 1, 1938, 52 Stat. 609, as amended by the act of July 14, 1945, 59 Stat. 467 (43 U. S. C. Sup. 682a) and pursuant to Executive Order No. 9337 of April 24, 1943 (3 CFR, Cum. Supp.) it is ordered as follows:

Public Land Order No. 386 of July 31, 1947, withdrawing certain lands in Alaska for classification and survey, and for other purposes, is hereby revoked so far as it affects the following-described public lands, which are hereby classified as chiefly valuable for lease and sale pursuant to the provisions of the aforesaid act of June 1, 1938, as amended, for home, cabin, camp, recreational, and business sites:

SMALL TRACT CLASSIFICATION NO. 129, ALASKA NO. 1

TOK JUNCTION

U. S. Surveys No. 2723, No. 2724, No. 2725, and No. 2726, situated at the junction of the Slana-Tok and Alaska Highways.

The areas as described aggregate 30.60 acres.

BUFFALO CENTER

U. S. Surveys No. 2727 and No. 2728, situated on the west side of Richardson Highway at the junction with the Alaska Highway.

The areas as described aggregate 8.64 acres.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on April 20, 1948. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filing.* For a period of 90 days from April 20, 1948, to July 20, 1948, inclusive, the public lands affected by this order shall be subject to (1) application under the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. Sup. 279–283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 1, 1948, to April 20, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 20, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on July 21, 1948, any of the lands remaining unappropriated shall become subject to application under the small tract act by the public generally.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from July 2, 1948, to July 21, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 21, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) to the extent that such regulations are applicable. Applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Fairbanks, Alaska.

The lands at Tok Junction are about 211 miles southeast of Fairbanks along the Alaska Highway and 340 miles northeast of Anchorage via the Slana-Tok and Glenn Highways. Those at Buffalo Center, also known locally as Big Delta, are about 100 miles southeast of Fairbanks on the Alaska Highway and 345 miles northeast of Anchorage via the Richardson Highway.

At both locations the general topography is level and the vegetative cover consists of scrub aspen timber with willow undergrowth. At Tok Junction there is also some scrub spruce. The soil characteristics are similar, consisting of a sandy loam topsoil having a depth of about six inches, underlain by a gravel subsoil. The general location is inland where the climatic conditions are rigorous. The winters are cold, with con-

siderable snow, the summers temperate, and the annual precipitation approximates 12 inches.

The lots will be leased or sold in accordance with the official U. S. Surveys, Numbers 2723 to 2728, inclusive, Alaska.

Lessees under the small tract act of June 1, 1938, as amended, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the Director, Bureau of Land Management, or other authorized officer, improvements which, in the circumstances, are presentable, substantial, and appropriate for the use for which the lease is issued. Leases will be for the period requested, not exceeding five years, at an annual rental of $5 for home, cabin, camp, and recreational sites, payable in advance for the entire period. The rental for business sites will be in accordance with a schedule of graduated charges based on gross income, with a minimum charge of $20, payable yearly in advance, the remainder, if any, to be paid within 30 days after each yearly anniversary of the lease.

Leases issued under the act of June 1, 1938, as amended, will contain a provision affording the lessee or his duly approved successor in interest an option to purchase the tract at or after the expiration of one year from the date the lease is issued, provided the terms and conditions of the lease have been met.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior

FEBRUARY 17, 1948.

[F. R. Doc. 48-1630; Filed, Feb. 25, 1948; 8:53 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter II—Bureau of Community Facilities, Federal Works Agency

PART 204—ADMINISTRATION OF THE DISASTER SURPLUS PROPERTY PROGRAM

Revised regulations for carrying into effect the provisions of Public Law 233, 80th Congress, approved July 25, 1947, authorizing the Federal Works Administrator, after determination by the President, to loan or transfer surplus personal property to States and local governments situated in areas struck by floods or other catastrophes, in order to alleviate damage, hardship, and suffering caused thereby.

Sec.

AUTHORITY: §§ 204.1 to 204.15, inclusive, issued under Pub. Law 233, 80th Cong., 61 Stat. 422.

§ 204.1 *Purpose of act.* The purpose of Public Law 233, 80th Congress, approved July 25, 1947 (called the "act" in this part) is to alleviate damage, hardship, and suffering caused by floods or other catastrophe, by the loan or transfer of surplus personal property to States and local governments situated in any area struck by any such flood or other catastrophe.

§ 204.2 *Delegation of authority.* The function of administering the act and the regulations in this part is hereby delegated to the Bureau of Community Facilities, and the Commissioner of Community Facilities (called the "Commissioner" in this part) shall be responsible for the performance of such function. Any of the powers and duties delegated to the Commissioner under the regulations in this part may be assigned by him to any official or officials of the Bureau of Community Facilities. The Commissioner (or in his absence or disability, the Acting Commissioner) is authorized to make, award, and enter into all contracts and agreements, including changes, necessary to carry out the provisions of the act and of the regulations in this part. Each Division Engineer of the Bureau of Community Facilities (or in the event of his absence or disability, the Acting Division Engineer) is granted similar contracting authority necessary to carry out the provisions of the act and of the regulations in this part within his Division.

§ 204.3 *Requests, investigations, and reports of floods and other catastrophes.* The Commissioner shall keep himself informed through the Division Offices of the Bureau of floods and other catastrophes in any of the several States, and if, after consultation with officials of State and local governments, he shall deem a particular flood or other catastrophe to be of sufficient severity and magnitude to justify invoking the provisions of the act, he shall submit to the Administrator a report thereon, with a recommendation that the provisions of the act be invoked. Such recommendation should not be made until a definite request has been received from the Governor of the State in which the catastrophe occurs that the provisions of the act be invoked. Only disasters which cannot be handled by the usual forces of rescue available to the State and local governments or by voluntary rescue agencies will be considered. If the Administrator concurs in such recommendation, he shall recommend to the President the making of a determination that it is necessary or appropriate that the War Assets Administration transfer, without reimbursement, to the Federal Works Agency all such surplus personal property as in the judgment of the Federal Works Administrator and the War Assets Administrator can be presently utilized in alleviating the damage, hardship, and suffering caused by such flood or other catastrophe. Requests that the provisions of the law be invoked should be transmitted by the most expeditious means deemed advisable.

§ 204.4 *Requests for surplus property by States and local governments.* Personal property may be made available to States and local governments only upon a request in writing, specifying in detail the uses to which the property is to be put, submitted to the Bureau of Community Facilities by an authorized representative of such State or local government.

The State or local government shall be required to agree to accept and utilize the property transferred to it under the act so as to effectuate the purposes of the act and to certify that it possesses the legal authority to accept and utilize the property for the purposes specified in the aforementioned request in the alleviation of the damage, hardship, and suffering caused by the catastrophe. In addition to such certification, additional proof respecting the legal authority of the State or local government to use the property for the purposes specified may be required by the Bureau.

§ 204.5 *Public entities eligible to receive surplus personal property.* Surplus personal property may be made available under the act and the regulations in this part solely to any of the several States in the United States and to any political subdivision or municipal corporation of a State, including counties, cities, towns, villages, townships, districts, and other local governmental units.

§ 204.6 *Requests for transfer of property from War Assets Administration.* The Commissioner shall establish, in consultation with officials of the War Assets Administration, the necessary procedures to facilitate the transfer, without reimbursement, of surplus personal property from the War Assets Administration to the Bureau of Community Facilities.

§ 204.7 *Transfer of personal property without monetary consideration.* Expendable personal property, such as medicines, blankets, clothing, and bedding, and property, such as lumber, handtools, cement, water, and sewer pipe, and other materials suitable for emergency repairs or necessary for the restoration of public services, may be transferred to States and local governments without monetary consideration. States and local governments shall be required to assume all shipping costs except in unusual circumstances where the Commissioner may determine otherwise.

§ 204.8 *Loan of personal property.* When the Commissioner deems it in the public interest, personal property may be loaned to a State or local government. Unless specific approval is given by the Commissioner for transfer of title on such property as construction equipment, it will be made available to the State or local government on a loan basis. Under normal circumstances shipping costs and the cost of placing equipment in good

usable condition will be assumed by the Federal Government. Only in those instances where the Commissioner determines that sufficient funds are available to the local governments and where conditions warrant will the local government be expected to defray such costs. Contact shall be maintained with the local governments to which equipment is made available on a loan basis and such property shall be returned to the Government in the same condition as when loaned and as repaired, ordinary wear and tear and loss or damage caused by acts of God or other event beyond the control of the State or local government excepted, as soon as necessary repairs to the damaged area have been completed.

§ 204.9 *Transfer of personal property for a monetary consideration.* Any surplus personal property, unless loaned or transferred without monetary consideration, as hereinbefore provided, shall be transferred for a monetary consideration by the Bureau of Community Facilities to the States and local governments. Any such transfer shall be upon terms which, in the judgment of the Commissioner, are in the public interest, provided, however, that such property shall be compensated for by the payment to the Government of a sum equal to 50 per centum of the fair value thereof as determined by the War Assets Administration, at the time the property was transferred to the Federal Works Agency, plus a reasonable portion of the cost of any repairs thereto paid for by the Federal Works Agency.

§ 204.10 *Assistance of other constituent units of the Federal Works Agency.* The Commissioner shall utilize the services of the Public Roads Administration to cooperate with and conduct all necessary liaison with State Highway Departments in connection with the administration of the act. Personnel of the Public Buildings Administration may be utilized when required.

§ 204.11 *Cooperation with other Federal agencies.* The Commissioner is authorized, when in his opinion it is necessary or appropriate, to secure the assistance of other Federal agencies in carrying out the provisions of the act, and may utilize and act through any such Federal agency or any State or local government, and, further, may utilize without reimbursement therefor such officers and employees of any such agency or State or local government as the Commissioner may find necessary in carrying out the purposes of the act. In order to facilitate carrying out the purposes of the act, other Federal agencies are required to cooperate with the Federal Works Agency and the War Assets Administration to the fullest extent consistent with the objective of the act.

§ 204.12 *Non-discrimination.* In carrying out the provisions of the act, there shall be no discrimination made on account of race, creed, or color.

§ 204.13 *Interest of member of or delegate to Congress.* Any agreement or contract entered into under the act and the regulations in this part shall provide that no member of or delegate to Congress or Resident Commissioner shall be admitted to any share or part of any such agreement or contract or to any benefits arising therefrom.

§ 204.14 *Operating procedures and instructions.* The Commissioner is hereby authorized to issue such operating procedures and instructions not in conflict with Federal law and regulations or the regulations in this part, and the regulations and policies of the Federal Works Agency, as he may deem necessary for carrying out the provisions and effectuating the purposes of the act and of the regulations in this part.

§ 204.15 *Completion of disaster operation.* Whenever in the opinion of the Commissioner assistance necessary to alleviate damage, hardship, and suffering has been completed or when all available personal property has been utilized by the State or local governmental agency to the fullest extent possible in such alleviation, the operation of the Disaster Surplus Property Program with respect to each flood or other catastrophe shall be terminated, documentation with the War Assets Administration and the local governmental agency completed, and necessary financial negotiations concluded.

§ 204.16 *Report to the Administrator.* When the Bureau of Community Facilities has completed its function of providing surplus personal property under the act and the regulations in this part with respect to each flood or other catastrophe for which a Presidential determination has been made, the Commissioner shall submit a report to the Administrator of the performance of such function.

Effective date. The revised regulations in this part shall be effective February 21, 1948.

Dated this 17th day of February 1948.

[SEAL] PHILIP B. FLEMING,
Federal Works Administrator

[F. R. Doc. 48-1639; Filed, Feb. 25, 1948; 8:46 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Released Rates Order MC-2 A]

PART 187—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS

RELEASED RATES ON HOUSEHOLD GOODS

Released Rates Order MC No. 2 of January 29, 1936 (49 CFR, Cum. Supp., 187.201) being under consideration, and

It appearing, that the commodity description of household goods contained in said released rates order differs from the description which household goods carriers are authorized to transport, as provided in "Practices of Motor Common Carriers of Household Goods," 17 M. C. C. 467 (49 CFR, Cum. Supp., Part 176),

And it further appearing, that the terms of said released rates order should be modified to authorize released rates and charges on only those commodities or articles which may be transported by motor common carriers who perform the specialized service of household goods carriers: It is ordered, that

§ 187.201 *Released rates on household goods*—(a) *Establishment authorized, rate bases.* All common carriers of property by motor vehicle performing the specialized service of household goods carriers are hereby authorized to establish and maintain, by filing and posting in the manner prescribed by the Interstate Commerce Act (49 U. S. C. 20 (11), 219), commodity rates for the transportation of household goods, namely: The personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments; and articles, including objects of art, displays, and exhibits, which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods. Such rates are to be applicable only when the value declared by the shipper in writing or agreed upon in writing as the released value of the property is as follows:

Released valuations	*Rate basis*
Applicable to entire shipment:	
Released to value not exceeding 30 cents per pound per article.	Base rate.
Released to value exceeding 30 cents per pound per article but not exceeding 75 cents per pound per article.	Not exceeding 110 percent of base rate.
Released to value exceeding 75 cents per pound per article but not exceeding $1.50 per pound per article.	Not exceeding 120 percent of base rate.
Applicable to specific articles in the shipment: If the value per pound declared on any specific article or articles exceeds the value per pound declared for the entire shipment as provided for above, an additional charge which shall not exceed two percent (2%) of the total excess value declared for such article or articles, may be made.	

(b) *Changes in rates or released valuations.* Changes may be made in any rate or charge which may be established under the authority of this section, but the released valuations specified in this section may not be decreased, nor may the percentages of increase in the charge for excess released valuations (either for the entire shipment or for specific articles) be made greater than those specified herein, without the specific authority of the Commission.

(c) *Lawfulness of rates.* The Commission does not hereby approve the lawfulness, except under section 20 (11) and section 219 of the Interstate Commerce Act, of any rates or charges that may be filed under the authority of this order.

(d) *Authority for released rates must be shown in tariff.* Tariffs containing released rates and charges filed under the

authority of this section, shall show in connection therewith the following notation:

Rates and charges herein based on released value have been authorized by the Interstate Commerce Commission in Released Rates Order No. MC-2 A of January 29, 1948, subject to complaint or suspension.

And it is further ordered, that Released Rates Order MC No. 2 of January 29, 1936 (49 CFR, Cum. Supp., 187.201) is hereby rescinded, effective on the date of this order.

(41 Stat. 496, 49 Stat. 563, 56 Stat. 300; 49 U. S. C. and Sup. 20 (11), 319)

Dated at Washington, D. C., this 29th day of January 1948.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48-1643; Filed, Feb. 25, 1948; 8:59 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

[7 CFR, Part 301]

JAPANESE BEETLE QUARANTINE, SUPPLEMENTARY REGULATIONS, AND ADMINISTRATIVE INSTRUCTIONS THEREUNDER

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under section 4 (a) of the Administrative Procedure Act (60 Stat. 237) that the United States Department of Agriculture is considering a revision of Notice of Quarantine No. 48 on account of the Japanese beetle and regulations supplemental thereto (12 F. R. 3211), as well as a revision of administrative instructions, B. E. P. Q. 533, Revised (7 CFR 1945 Supp. § 301.48d) issued thereunder.

In both the notice of quarantine and the supplementary regulations it is proposed to add humus to the regulated articles enumerated.

It is proposed to add to the regulated area all nonregulated portions of the counties of Allegany, Charles, and St. Marys, Maryland; the town of Irondequoit, Monroe County, New York; King George County, magisterial district of Port Royal in Caroline County, and the magisterial district of Madison in Orange County, Virginia. The respective states have already taken appropriate cooperative action to prevent the spread of infestation from these areas.

Also, it is proposed to omit from the regulations reference to the heavily infested area and to provide instead for the issuance of administrative instructions of the Chief of the Bureau of Entomology and Plant Quarantine to designate such area on the basis of seasonal emergence during the preceding season as well as such evidence of larval occurrence as may be observed prior to the current season's emergence. Such omission would delete from the regulations all or parts of §§ 301.48-1 (d) 301.48-3, and 301.48-4 (b)

Details of enforcement procedure now appearing as §§ 301.48-1 (e) and (g), 301.48-6 (a) (2) and (b) (4) would, under the proposed revision, be removed from the regulations as unessential therein.

It is proposed to define cut flowers as "unprocessed, fresh, cut flowers when moved in bulk."

Consolidation of conditions governing the issuance of certificates and permits in § 301.48-6 is proposed, so that these would appear as follows:

(1) When, in the judgment of the inspector, they have not been exposed to infestation.

(2) When they have been examined by an inspector and found to be free of infestation.

(3) When they have been treated under the observation of an inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions applied.

Further it is proposed to omit the exceptions in § 301.48-4 (a) (1) and include these in revised administrative instructions listing articles exempt from regulation.

A few nonsubstantive changes are being considered in the phraseology and arrangement of the regulations in the interests of clarity and logical sequence.

In addition, it is proposed to include in the revision of both the quarantine and regulations appropriate references to the Insect Pest Act of March 3, 1905 (33 Stat. 1269, 1270; 7 U. S. C. 1940 ed. 141, 143) pertaining to the movement of Japanese beetles in the live state.

Coincident with revision of the quarantine and regulations, a revision is proposed of administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine relieving the restrictions on certain articles considered innocuous as pest risks. These instructions would be modified to include certain exemptions now appearing in the regulations.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within 15 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 141, 143, 161)

Done at Washington, D. C., this 19th day of February 1948.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CLINTON P. ANDERSON, *Secretary of Agriculture.*

[F. R. Doc. 48-1642; Filed, Feb. 25, 1948; 8:47 a. m.]

Office of the Secretary

[7 CFR, Part 101]

BREWING INDUSTRY

PROPOSED VOLUNTARY PLAN FOR CONSERVATION OF GRAIN

In accordance with the authority vested in me by Executive Order 9919 (13 F. R. 59), and as a result of consultation with representatives of the brewing industry at a public meeting held in the United States Department of Agriculture at Washington, D. C., on January 20, 1948, I hereby find that the following proposed plan for voluntary action with respect to the conservation of grain by the brewing industry is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395, 80th Congress, 1st Session. The purpose of this notice is to give industry, labor, and the public an opportunity to present their views with respect to such plan. The proposed plan is as follows:

§ 10.11 *Proposed voluntary plan for conservation of grain by the brewing industry.* (a) No brewer will use wheat, wheat products, table-grade rice, or products made from table-grade rice.

(b) No brewer will, during any month, use more barley malt and barley malt products than 105% of the total quantity used during the same month of 1947.

(c) No brewer will, during any month, use more grain and grain products, except barley malt and barley malt products, than 85 percent of the total quantity used during the same month of 1947.

(d) Any brewer may, during any month, use a minimum of 120,000 lbs. of grain and grain products, other than wheat, wheat products, table-grade rice, or products made from table-grade rice.

(e) A committee will be established to determine relief granted in hardship cases. Such committee will be composed of representatives of the United States Department of Agriculture, the United States Brewers Foundation, the Small Brewers Committee, and nonaffiliated brewers.

(f) This plan will be effective from March 1, 1948 through June 30, 1948, and may be thereafter extended by the Secretary of Agriculture for any period not beyond February 28, 1949.

(g) Each brewer will report the total quantity of grain used by him during each month of the agreement and for the comparable month of 1947. Such reports will be made monthly to the Al-

cohol Tax Unit, Internal Revenue Bureau, U. S. Treasury Department, Washington 25, D. C., on regular reporting forms.

All persons who desire to submit written data, facts, or arguments for consideration in connection with the above-proposed voluntary plan shall file the same in duplicate with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than 5:30 p. m. e. s. t., on the 7th day after the publication of this notice in the FEDERAL REGISTER.

Issued this 20th day of February 1948.

[SEAL] CLINTON P ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 48-1709; Filed, Feb. 25, 1948; 9:00 a. m.]

Production and Marketing Administration

[7 CFR, Part 801]

ADMINISTRATION OF SUGAR QUOTAS

NOTICE OF RULE MAKING

Notice is hereby given that the Secretary of Agriculture, pursuant to the authority vested in him by the Sugar Act of 1948 (Public Law 388, 80th Congress) is considering the issuance of a new subpart, as hereinafter proposed, to General Sugar Regulations, Series 3, No. 2 (13 F R. 127) relating to the administration of sugar quotas.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulation shall file the same in quadruplicate with the Director of the Sugar Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than March 5, 1948.

General Sugar Regulations, Series 3, No. 2 (13 F R. 127) are hereby amended by adding a new subpart as follows:

SUBPART D—ENTRY OR MARKETING OF SUGAR ON LIQUID SUGAR UNDER BOND FOR DISTILLATION OF ALCOHOL OR FOR LIVESTOCK FEED

Sec.
801.81 Definitions.
801.82 Sugar or liquid sugar for the distillation of alcohol, for livestock feed, or for the production of livestock feed.
801.83 Records and reports.
801.84 Delegation of authority.

AUTHORITY: §§ 801.81 to 801.84, inclusive, issued under sec. 403 of Pub. Law 388, 80th Cong.

§ 801.81 *Definitions.* As used in §§ 801.81 to 801.84, inclusive:

(a) The term "act" means the Sugar Act of 1948 (Pub. Law 388, 80th Cong.)

(b) The term "person" means any individual, partnership, corporation, or association.

(c) The term "Department" means the United States Department of Agriculture.

(d) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has lawfully delegated the authority to act in his stead.

(e) The term "quota" means any quota or proration thereof fixed by the Secretary pursuant to the act.

(f) The term "allotment" means any allotment of any quota made by the Secretary pursuant to section 205 (a) of the act.

(g) The term "processor" means any person engaged in the manufacture of sugar or liquid sugar from sugar beets or sugarcane grown in the continental United States.

§ 801.82 *Sugar or liquid sugar for the distillation of alcohol, for livestock feed, or for the production of livestock feed—*

(a) *Entry into the continental United States or marketing therein prohibited except under bond.* All persons are hereby prohibited from bringing or importing sugar or liquid sugar into the continental United States, and all processors are hereby prohibited from marketing sugar or liquid sugar therein, for the distillation of alcohol, for livestock feed, or for the production of livestock feed, except in accordance with the regulations in this subpart.

(b) *Not chargeable to quota.* Upon the furnishing of a bond as provided in paragraph (c) of this section, sugar or liquid sugar may be imported or brought into the continental United States, or marketed therein, for any of the purposes specified in paragraph (a) of this section without being charged against the applicable quota or allotment,

(c) *Furnishing of a bond.* Before any sugar or liquid sugar imported or brought into the continental United States for any of the purposes specified in paragraph (a) of this section shall be released from United States Customs' custody and control, the importer, consignor, or owner of such sugar or liquid sugar, or other person interested in such sugar or liquid sugar, shall furnish a bond with a surety or sureties satisfactory to the Secretary in such amount as the Secretary shall determine, or shall provide such other security as the Secretary shall determine, conditioned upon the use of such sugar or liquid sugar for any of such purposes within six months from the date of entry, or within such extension of time as the Secretary shall specify. Before any sugar or liquid sugar produced from sugar beets or sugarcane grown in the continental United States is marketed therein by any processor for any of the purposes specified in paragraph (a) of this section, such processor shall furnish a bond with a surety or sureties satisfactory to the Secretary in such amount as the Secretary shall determine, or shall provide such other security as the Secretary shall determine, conditioned upon the use of such sugar or liquid sugar for any of such purposes within six months from the date of such marketing, or within such extension of time as the Secretary shall specify.

(d) *Proof of proper use.* When all of the sugar or liquid sugar covered by a bond has been used for the purpose or purposes specified therein, the person furnishing such bond shall obtain and file with the Sugar Branch, Production and Marketing Administration of the Department, a certification in the following form by the person who used such sugar or liquid sugar:

The undersigned hereby certifies to the United States Department of Agriculture (1) that he is familiar with the terms of the regulations of the Secretary of Agriculture relating to the entry or marketing of nonquota sugar or liquid sugar for the distillation of alcohol, for livestock feed, or for the production of livestock feed; (2) that he acquired on _____,
(Month, day and year)
from _____ of
(Name of seller)
_____
(Address of seller)
_____ pounds of such sugar and _____ gallons of such liquid sugar for the distillation of alcohol, for livestock feed, or for the production of livestock feed; (3) that he has used all of such sugar or liquid sugar for one or more of the purposes for which acquired; and (4) that all of such sugar or liquid sugar was so used on or before _____,
(Month, day and year)

_____
(Name of individual or company)
By _____
Authorized official

_____
Date

All statements contained in such certification shall be deemed representations to an agency of the United States. All provisions of this paragraph shall be in addition to such other proof of proper use as the Secretary may require.

(e) *Charging of quota upon forfeiture of bond.* Upon the forfeiture of any bond or security given under this section, the quota for the area or country in which such sugar or liquid sugar originated and the allotment to which it would be chargeable if exported or brought into, or marketed in, the continental United States at the time of forfeiture shall be charged as of the time of forfeiture with the amount of such sugar or liquid sugar, and to the extent that such sugar or liquid sugar exceeds the quota of such area or country or the chargeable allotment, the forfeiture of the bond shall constitute a violation of the quota or allotment regulations or orders issued under the act, and the person who has furnished such bond shall pay to the United States a sum equal to three times the market value of such excess sugar or liquid sugar at the time of such forfeiture.

§ 801.83 *Records and reports.* The Director or Acting Director of the Sugar Branch, Production and Marketing Administration of the Department, shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of the regulations in this subpart, subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Each person importing or bringing sugar or liquid sugar into the continental United States, or marketing sugar or liquid sugar therein, for any of the purposes stated in paragraph (a) of § 801.82, and each person using such sugar or liquid sugar, shall keep and preserve for

a period of not less than two years from the date of entry or marketing of such sugar or liquid sugar, or from the date of acquisition of such sugar or liquid sugar by the user, complete and accurate records of his transactions in, or uses of, such sugar or liquid sugar. The Director or Acting Director of the said Sugar Branch shall be entitled to inspect such records at such times and to such extent as he deems necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this subpart.

§ 801.84 *Delegation of authority.* The Director or Acting Director of the Sugar Branch, or the Chief or Acting Chief of the Quota and Allotment Division thereof, Production and Marketing Administration of the Department, is hereby authorized to act for and on behalf of the Secretary in administering §§ 801.81 to 801.84, inclusive.

[SEAL] JESSE B. GILLIER,
Administrator.

FEBRUARY 20, 1948.

[F. R. Doc. 48-1671; Filed, Feb. 25, 1948; 8:55 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 51843]

CALIFORNIA OIL CO.

REGISTRATION OF HOUSE FLAG AND FUNNEL MARK

FEBRUARY 19, 1948.

The Acting Commissioner of Customs, by virtue of the authority vested in him by section 7 of the act of May 28, 1908 (U. S. C., Title 46, sec. 49) as modified by section 102, Reorganization Plan No. 3 of 1946 (3 CFR, 1946 Supp., Ch. IV) and in accordance with § 3.81 (a) of the Customs Regulations of 1943 (19 CFR, 1944 Supp., 3.81 (a)) has registered the house flag and funnel mark of the California Oil Company described below:

(a) *House flag.* The house flag is rectangular in shape, the field being black and having superimposed thereon in a central position and with its major axis vertical, a yellow-green oval in which are respectively, concentrically inscribed, a red "C" and within it a red "O," each letter having thereon a white line intended to suggest that the letter is in relief and has an inverted V-shaped cross section, the line being drawn in representation of the high light which would exist on the ridge of a letter modeled in relief. The proportionate dimensions are as follows: Hoist, 1.0; fly, 1.5; oval, 0.7 high by 0.63 wide; letter "C," 0.591 high; letter "O," 0.372 high; thickness of letters varies from (maximum) 0.0802 to (minimum) 0.0656.

(b) *Funnel mark.* The funnel mark consists of a device superimposed on a black funnel, comprising a yellow-green oval having its major axis inclined to the vertical by an angle slightly less than the rake angle of the funnel, the oval having inscribed concentrically therein a red "C" and within it a red "O," each letter being shaded and having thereon a white line to suggest that the letter is in relief and has an inverted V-shaped cross section, the shading being such as to indicate the incidence of light from above and to the right when the observer is facing the funnel from an outboard point of vantage directly abeam; the white line being drawn in representation of the high light which would exist on the ridge of a letter modelled in relief. The proportionate dimensions are given as they would appear when projected onto a vertical plane parallel to the longitudinal axis of the ship and are as follows: Diameter of funnel, 1.0; oval, 0.667 high by 0.597 wide; letter "C," 0.563 high; letter "O," 0.354 high; thickness of letters varies from (maximum) 0.0764 to (minimum) 0.0625.

Colored scale replica drawings of the house flag and of the funnel mark described above are on file with the Division of the Federal Register.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

[F. R. Doc. 48-1669; Filed, Feb. 25, 1948; 8:54 a. m.]

[T. D. 51844]

AMERICAN TRADING & PRODUCTION CORP.

REGISTRATION OF HOUSE FLAG AND FUNNEL MARK

FEBRUARY 19, 1948.

The Acting Commissioner of Customs, by virtue of the authority vested in him by section 7 of the act of May 28, 1908 (U. S. C., Title 46, sec. 49), as modified by section 102, Reorganization Plan No. 3 of 1946 (3 CFR, 1946 Supp., Ch. IV) and in accordance with § 3.81 (a) of the Customs Regulations of 1943 (19 CFR, 1944 Supp., 3.81 (a)), has registered the house flag and funnel mark of the American Trading & Production Corporation described below:

(a) *House flag.* The house flag is rectangular in shape; the hoist is 4 feet in height, the fly is 6 feet. Running horizontally the full length of the flag along the upper edge is a red stripe 3 inches wide. Parallel thereto along the lower edge of the flag running the full length is a blue stripe 3 inches in width. The remainder of the field of the flag is divided into two equal triangles by a diagonal running from the intersection of the lower edge of the red stripe with the fly to the intersection of the upper edge of the blue stripe with the hoist. The field of the upper triangle is white and the lower triangle is red. In the upper triangle is a blue letter "A," 15 inches in height over all and 15 inches in width at the base. The uppermost point of the letter is placed in the triangle 6 inches below the lower edge of the red stripe along the upper edge of the flag and the nearest point at the base of the letter is 13½ inches from the hoist. In the lower triangle is a white letter "T," the base of which is placed 6 inches from the upper edge of the blue stripe and the nearest point on the horizontal bar of which is 13½ inches from the fly. The letter is 15 inches in height over all and the horizontal bar of the "T" is 15 inches in length. The stroke of each letter is 3 inches in width.

(b) *Funnel mark.* The funnel mark is to appear on each side of a black stack centered in a fore-and-aft direction. The funnel is 18 feet in diameter; the top of the mark is 5 feet below the collar of the funnel. The mark itself is 8 feet high and 12 feet wide. Along the full length of the upper edge of the mark is a red strip 6 inches in width and along the lower edge is a blue stripe 6 inches in width. The remainder of the mark is divided into two equal triangles by a diagonal running from the intersection of the lower edge of the red stripe with the right vertical edge of the mark to the intersection of the upper edge of the blue stripe with the left vertical edge of the mark. The upper triangle is white and the lower triangle is red. In the upper triangle is a blue letter "A," 30 inches high and 30 inches wide at the base. The uppermost point of the letter is located 12 inches below the lower edge of the upper red stripe and the nearest point at the base of the letter is 27 inches from the left vertical edge of the mark. In the lower triangle is a white letter "T," 30 inches in height and 30 inches in width. The uppermost point of the letter is located 12 inches from the upper edge of the blue stripe to the base of the letter and 27 inches from the right vertical edge of the mark to the right edge of the horizontal bar of the "T." The stroke of each letter is 6 inches.

Colored scale replica drawings of the house flag and funnel mark described above are on file with the Division of the Federal Register.

The registration of the former house flag and funnel mark of the American Trading & Production Corporation by the Director of the Bureau of Marine Inspection and Navigation, Department of Commerce, on June 6, 1938, is hereby cancelled.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

[F. R. Doc. 48-1670; Filed, Feb. 25, 1948; 8:55 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CLASSIFICATION ORDER

FEBRUARY 17, 1948.

1. Pursuant to the authority delegated to me by the Secretary of the Interior

by Order No. 2325 dated May 24, 1947 (43 CFR 4.275 (b) (3) 12 F. R. 3566) I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a) as hereinafter indicated, the following described public lands in the Los Angeles, California, land district, embracing 289.73 acres:

SMALL TRACT CLASSIFICATION No. 137

CALIFORNIA NO. 54

For leasing, for all of the purposes mentioned in the act.

T. 3 S., R. 6 E., S. B. M.
Sec. 6, lots 6 and 7, E½SW¼, NW¼SE¼, S½SE¼.

2. These lands are located about 110 miles east of Los Angeles and about 30 miles east of Banning in Riverside County, California. The Joshua Tree National Monument is about two miles northeast. The lands can be reached from Los Angeles by paved U. S. Highway 60–70 to about six miles east of the Palm Springs Station, where another paved highway originates, being an alternate route southeastward to Indio. The lands lie within West Wide Canyon extending southward from the rugged Little San Bernardino Mountains, lying mainly in the Canyon, but at a point where the mountains break out in the Coachella Valley and the highest elevation of these lands is approximately 2,000 feet.

3. Due to the elevation of these lands the cost of obtaining a water supply from underground sources may be too great for individual development, although it may be feasible as a group undertaking. There are no known wells in the immediate vicinity. It is the common practice for residents in this locality to purchase and haul water from established wells. The possibility of obtaining water from the aqueduct, which is nearby, is not favorable as the Board of Directors of the Southern California Metropolitan Water District has consistently declined to approve the withdrawal of water from the aqueduct before it reaches the Los Angeles Metropolitan Area.

4. Pursuant to § 257.9 of the Code of Federal Regulations (43 CFR part 257, Circ. 1647, May 27, 1947, and Circ. 1665, November 19, 1947) a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed, under the regulations issued pursuant to the act, prior to 8:30 a. m. on March 20, 1946, and (b) are for the type of site for which the land subject thereunder has been classified. As to such applications, this order shall become effective upon the date on which it is signed.

5. As to the land not covered by the applications referred to in paragraph 4, this order shall not become effective to permit the leasing of such land under the small tract act of June 1, 1938, cited above, until 10:00 a. m. on April 21, 1948. At that time such land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for other preference right filings.* For a period of 90 days from 10:00 a. m. on April 21, 1948, to close of business on July 21, 1948, inclusive, to (1) application under the small tract act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747) as amended May 31, 1947 (61 Stat. 123, 43 U. S. C. sec. 279) [1] subject to the requirements of applicable law, and (2) application under any applicable public land law, based on prior existing valid settlement right and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Advance period for simultaneous preference right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed at or after 8:30 a. m. on March 20, 1946, together with those presented at 10:00 a. m. on April 21, 1948, shall be treated as simultaneously filed.

(c) *Date for nonpreference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on July 22, 1948, any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally.

(d) *Advance period for simultaneous nonpreference right filings.* Applications under the small tract act by the general public filed at or after 8:30 a. m. on March 20, 1946, together with those presented at 10:00 a. m. on July 22, 1948, shall be treated as simultaneously filed.

6. Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

7. All applications referred to in paragraphs 4 and 5, which shall be filed in the district office at Los Angeles, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circ. 324, May 22, 1914, 43 L. D. 254) to the extent that such regulations are applicable. Applications under the small tract act of June 1, 1938, shall also be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

8. Lessees under the small tract act of June 1, 1938, will be required within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances are presentable, substantial, and appropriate for the use for which the lease is issued. Leases will be for a period of five years at an annual rental of $5 for home, cabin, camp, health, convalescent and recreational sites, payable for the entire lease period in advance of the issuance of the lease. The rental for business sites will be in accordance with a schedule of graduated charges based on gross income, with a minimum charge of $20 payable in advance, the remainder, if any, will be paid within 30 days after each yearly anniversary of the lease.

9. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension extending east and west. The tracts, whenever possible must conform in description with the rectangular system of surveys as one compact unit; i. e., the N½ or the S½ of a quarter-quarter-quarter section.

10. Preference right leases referred to in paragraph 4 will be issued for the land described in the application, irrespective of the direction of the tract, provided the tract conforms or is made to conform to the area and dimensions specified above.

11. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, the Acting Manager is authorized to accept applications for the remaining 5-acre tract extending in the same direction so as to fill out the subdivision, notwithstanding the direction of the tract may be contrary to that specified in paragraph 9.

12. All inquiries relating to these lands shall be addressed to the Acting Manager, District Land Office, Los Angeles 12, California.

FRED W JOHNSON,
Director.

[F. R. Doc. 48–1631; Filed, Feb. 25, 1948; 8:53 a. m.]

[1] As used herein the term "veterans" includes other persons entitled to credit for service under the said act of September 27, 1944, as amended. Such other persons shall file evidence of their right to credit in accordance with 43 CFR 181.38.

FEDERAL POWER COMMISSION

[Docket No. G-990]

MICHIGAN GAS STORAGE CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed January 27, 1948, by Michigan Gas Storage Company (Applicant), a Michigan corporation with its principal place of business at Jackson, Michigan, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that: This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 13, 1948 (13 F. R. 674).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on March 11, 1948, at 9:30 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of Rule 32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: February 19, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-1632; Filed, Feb. 25, 1948; 8:45 a. m.]

[Docket No. G-975]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

FEBRUARY 20, 1948.

Notice is hereby given that, on February 19, 1948, the Federal Power Commission issued its findings and order entered February 17, 1948, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-1645; Filed, Feb. 25, 1948; 8:47 a. m.]

[Docket No. IT-6058]

NORTHERN STATES POWER CO. AND WISCONSIN PUBLIC SERVICE CORP.

NOTICE OF ORDER AUTHORIZING AND APPROVING ACQUISITION AND MERGER OF FACILITIES

FEBRUARY 20, 1948.

Notice is hereby given that, on February 18, 1948, the Federal Power Commission issued its order entered February 17, 1948, in the above-designated matter, authorizing and approving acquisition and merger of certain facilities.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-1646; Filed, Feb. 25, 1948; 8:47 a. m.]

No. 39——5

[Docket No. IT-6094]

CALIFORNIA OREGON POWER CO.

NOTICE OF ORDER GRANTING EXEMPTION FROM PROVISIONS OF BALANCE SHEET ACCOUNTS INSTRUCTION 5-E

FEBRUARY 20, 1948.

Notice is hereby given that, on February 19, 1948, the Federal Power Commission issued its order entered February 17, 1948, granting exemption from provisions of balance sheet accounts instruction 5-E in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-1647; Filed, Feb. 25, 1948; 8:47 a. m.]

[Docket No. E-6115]

TEXAS CO.

ORDER OF DETERMINATION OF EMERGENCY AND GRANTING OF EXEMPTION FOR USE OF INTERCONNECTION

FEBRUARY 20, 1948.

Notice is hereby given that on February 17, 1948, the Federal Power Commission issued its order entered February 17, 1948, in the above-designated matter, approving use and maintenance of interconnection with Gulf States Utilities Company until December 31, 1950, and granting exemption for such use.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-1648; Filed, Feb. 25, 1948; 8:49 a. m.]

[Docket No. G-826]

MINNESOTA NATURAL GAS CO. AND NORTHERN NATURAL GAS CO.

NOTICE OF ORDER GRANTING MOTION TO DISMISS AND TERMINATING PROCEEDING

FEBRUARY 20, 1948.

Notice is hereby given that, on February 19, 1948, the Federal Power Commission issued its order entered February 17, 1948, in the above-designated matter, terminating proceeding and dismissing the complaint filed by Minnesota Natural Gas Company.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-1649; Filed, Feb. 25, 1948; 8:49 a. m.]

[Docket No. G-932]

EAST OHIO GAS CO.

NOTICE OF ORDER MAKING INITIAL DECISION OF THE PRESIDING EXAMINER EFFECTIVE AS THE DECISION OF THE COMMISSION

FEBRUARY 20, 1948.

Notice is hereby given that, on February 19, 1948, the Federal Power Commission issued its order entered February 17, 1948, making initial decision of the presiding examiner effective as the decision of the Commission in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-1650; Filed, Feb. 25, 1948; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1034]

PHILADELPHIA AND READING COAL AND IRON CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of February A. D. 1948.

The Philadelphia Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Shares, $1.00 Par Value, of The Philadelphia and Reading Coal and Iron Company, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to March 11, 1948, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-1636; Filed, Feb. 25, 1948; 8:46 a. m.]

[File No. 31-53]

HALSEY, STUART & CO., INC.

ORDER CONTINUING EXEMPTION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 17th day of February A. D. 1948.

The Commission, on December 10, 1947, having issued an order, pursuant to the provisions of section 3 (a) (4) of the Public Utility Holding Company Act of 1935, continuing to March 31, 1948,

or the date on which The Middle West Corporation disposes of its interest in Central Illinois Public Service Company ("Cips"), whichever is earlier, the temporary exemption theretofore granted to Halsey, Stuart & Co., Inc. ("Halsey-Stuart"), an investment banking company, from the provisions of such act which would require Halsey-Stuart to register as a holding company because of its owning, controlling or holding with power to vote 10% or more of the outstanding voting securities of Cips, a public utility company (see Holding Company Act Release No. 7912) and

Halsey-Stuart now having filed a request for an extension of such temporary exemption until August 26, 1948, and, in connection therewith, having represented that it intends to sell the shares of stock of Cips which it holds at the earliest practicable date and that it will not, without the approval of this Commission, vote such shares at any annual or special meetings of stockholders of Cips, except when necessary for the purpose of establishing a quorum; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers to extend the exemption of Halsey-Stuart as requested;

It is ordered, That the exemption of Halsey, Stuart & Co., Inc., from those provisions of the Public Utility Holding Company Act of 1935 which would require it to register as a holding company because of its owning, controlling or holding with power to vote ten percentum or more of the outstanding voting securities of Central Illinois Public Service Company be, and the same hereby is, continued to and including August 26, 1948, subject, however, to the condition that Halsey Stuart & Co., shall not, without the approval of this Commission, vote the shares of common stock of Central Illinois Public Service Company which it holds at any annual or special meetings of stockholders of Central Illinois Public Service Company, except when necessary for the purpose of establishing a quorum.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-1633; Filed, Feb. 25, 1948; 8:46 a. m.]

[File No. 70-1694]

OHIO PUBLIC SERVICE CO.

SUPPLEMENTARY ORDER RELEASING JURISDICTION AND GRANTING AMENDED APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 19th day of February A. D. 1948.

The Ohio Public Service Company ("Public Service") a public utility subsidiary of Cities Service Company, a registered holding company, having filed an application and amendments thereto, pursuant to section 6 (b) of the act and Rule U-50 promulgated thereunder, with respect to the issue and sale by Public Service of $10,000,000 principal amount of First Mortgage Bonds ____% Series, due January 1, 1978; and

The Commission, having, by order dated February 10, 1948 granted said application, as amended, subject to the condition, among others, that the proposed sale of bonds shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding, and a further order shall have been entered by the Commission in the light of the record so completed; and

Public Service having, on February 19, 1948, filed a further amendment to said application in which it is stated that it has offered the bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Bidder	Price to the company (percent of principal amount)[1]	Interest rate	Cost to the company
		Percent	*Percent*
Halsey, Stuart & Co., Inc..	100.2599	3⅛	3.11161
W. C. Langley & Co. and Glore, Forgan & Co.....	100.13999	3⅛	3.11778
Harriman Ripley & Co., Inc.....	100.135	3⅛	3.11804
Salomon Bros. & Hutzler...	100.109	3⅛	3.11938
Lehman Bros.....	100.0891	3⅛	3.12040
The First Boston Corp.....	100.07	3⅛	2.12139
Blyth & Co., Inc.....	100.065	3⅛	3.12165

[1] Plus accrued interest from Jan. 1, 1948.

The amendment further stating that Public Service has accepted the bid of Halsey, Stuart & Co., Inc. for the First Mortgage Bonds as set forth above and that the said bonds will be offered for sale to the public at a price of 100.75% of principal amount thereof plus accrued interest, resulting in an underwriter's spread of .4901%, and

The Commission having examined said amendment and having considered the record herein and finding that the applicable standards of the act and the rules and regulations thereunder have been complied with, and observing no basis for adverse findings or imposing terms and conditions with respect to the price to be paid for said bonds, or the underwriter's spread and the allocation thereof;

It is hereby ordered, That jurisdiction heretofore reserved in connection with the issue and sale of said First Mortgage Bonds be, and the same hereby is, released, and the said application as further amended, be and the same hereby is, granted, and that the proposed transaction may be consummated forthwith, subject to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-1635; Filed, Feb. 25, 1948; 8:46 a. m.]

[Filed No. 70-1707]

UNITED LIGHT AND RAILWAYS CO. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 18th day of February A. D. 1948.

In the matter of The United Light and Railways Company, Continental Gas & Electric Corporation, Iowa Power and Light Company, File No. 70-1707.

Iowa Power and Light Company ("Iowa") a public utility company, and its parent companies, Continental Gas & Electric Corporation and The United Light and Railways Company, registered holding companies, having jointly filed an application-declaration, pursuant to sections 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 ("Act") in which it is proposed, inter alia, that Iowa issue and sell, pursuant to the competitive bidding requirements of Rule U-50 promulgated under the act, $6,000,000 principal amount of First Mortgage Bonds, __% Series due 1978; and

The Commission having by order dated February 3, 1948 granted said application and permitted said declaration to become effective forthwith, subject to the condition, among others, that the proposed issuance and sale of bonds not be consummated until the results of the competitive bidding pursuant to Rule U-50 have been made a matter of record in the proceeding and a further order has been entered by the Commission in the light of the record so completed, jurisdiction being reserved for this purpose; and

Applicants-declarants having filed an amendment to their application-declaration, as amended, in which it is stated that in accordance with the order of the Commission dated February 3, 1948 Iowa has offered its bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Name of bidder	Coupon rate	Price to company [1]	Net interest cost to company
	Percent	*Percent*	*Percent*
Halsey, Stuart & Co., Inc..	3	100.51	2.97419
Salomon Bros. & Hutzler..	3	100.4397	2.97774
W. C. Langley & Co. and Union Securities Corp....	3	100.42	2.97873
Kidder, Peabody & Co.....	3	100.401	2.97969
Lehman Bros.....	3	100.289	2.98536
Blyth & Co., Inc.....	3	100.277	2.98600
Harriman Ripley & Co., Inc.....	3	100.103	2.99478
Glore, Forgan & Co. and A. G. Becker & Co., Inc..	3⅛	102.275	3.00932
The First Boston Corp.....	3⅛	102.17	3.01459

[1] Plus accrued interest from Feb. 1, 1948.

The amendment further stating that Iowa has accepted the bid of Halsey, Stuart & Co., Inc., for the bonds, and that the purchasers propose to offer said bonds to the public at 100.99% of the principal amount thereof, resulting in an underwriting spread of .48%, and

The Commission having examined and considered the record herein, and finding

that the applicable standards of the act and the rules and regulations thereunder have been complied with, and observing no basis for adverse findings or imposing terms and conditions with respect to the price to be paid for said bonds or the underwriter's spread and the allocation thereof;

It is ordered, That, subject to the terms and conditions prescribed in Rule U-24, jurisdiction heretofore reserved with respect to the results of competitive bidding be, and it hereby is, released and the application-declaration, as amended, be, and it hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-1634; Filed, Feb. 25, 1948; 8:46 a. m.]

[File No. 7-1035]

ST. REGIS PAPER CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of February A. D. 1948.

The Philadelphia Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $5.00 Par Value, of St. Regis Paper Company, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to March 11, 1948, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-1637; Filed, Feb. 25, 1948; 8:54 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9789, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 10553]

ELISE NIEHELL ET AL.

In re: Stock owned by Elise Niehell and others. F-28-25832-D-1, F-28-25833-D-1, D-28-2142-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are set forth below:

Name and Address

Elise Niehell, c/o Mrs. Stein, 7 Hedwig St., Halle A/Saale, Germany.
Maria Potzner, Germany.
Max Eniglein, Pfarrlohn 31, Falkenstein, Vogtland, Germany.

are residents of Germany and nationals of a designated enemy country (Germany),

2. That the property described as follows: Thirty-one (31) shares of $25.00 par value Class A capital stock of Hearst Consolidated Publications, Inc., 1003 Hearst Building, San Francisco, California, evidenced by the certificates listed below, registered in the names of the persons listed below in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Elise Niehell	SFO-[illegible]	19
Mrs. Maria Potzner	SFO-17[illegible]	1
Max Eniglein	SFO-1[illegible]	4
	SFO-15191	4
	SFO-32172	4
	SFO-41752	4
	SFO-70999	4

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

3. That the property described as follows: Ten (10) shares of 7% Preferred Stock, 1926 issue, of the San Antonio Public Service Company of San Antonio, Texas, evidenced by certificates registered in the name of Max Eniglein, and any and all declared and unpaid dividends thereon, together with any and all rights to the proceeds of redemption in the amount of $1,065.75, said proceeds presently on deposit with The Alamo National Bank of San Antonio, Texas, as Liquidating Agent,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Max Eniglein, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10, of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-1657; Filed, Feb. 25, 1948; 8:51 a. m.]

[Supp. Vesting Order 10518]

JACOB HORNER

In re: Estate of Jacob Horner, deceased. File D-28-1967; E. T. sec. 1999.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Appolonia Vath, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Jacob Horner, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by Herman B. Forman, as Executor, acting under the judicial supervision of the Surrogate's Court, County of Queens, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1658; Filed, Feb. 25, 1948; 8:51 a. m.]

[Vesting Order 10637]

ALLIANZ VERSICHERUNGS-A. G.

In re: Bonds owned by and debt owing to Allianz Versicherungs-Aktiengesellschaft, also known as Allianz und Stuttgarter Verein Versicherungs Aktiengesellschaft. F-28-2943-C-2, F-28-2943-D-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Allianz Versicherungs-Aktiengesellschaft, also known as Allianz und Stuttgarter Verein Versicherungs Aktiengesellschaft, the last known address of which is 1-2 Taubenstrasse, Berlin, Germany, is a corporation organized under the laws of Germany and which has or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany)

2. That the property described as follows:

a. Those certain obligations, matured or unmatured, of Southern Pacific Company, 165 Broadway, New York 6, New York, evidenced by twenty (20) Southern Pacific Company San Francisco Terminal first mortgage 4% bonds, due April 1, 1950, issued in the name of bearer, of $1,000 face value each and bearing numbers M 7804/8 and M 9151/65 and by nine (9) Southern Pacific Company San Francisco Terminal first mortgage 4% bonds, due April 1, 1950, issued in the name of bearer, of $500 face value each and bearing numbers D 12027/8, D 12050 and D 13012/17, together with any and all accruals to the aforesaid obligations and any and all rights in, to and under, including particularly but not limited to all rights arising from the redemption of, the aforesaid bonds, and

b. That certain debt or other obligation owing to Allianz Versicherungs-Aktiengesellschaft, also known as Allianz und Stuttgarter Verein Versicherungs Aktiengesellschaft, by Star Insurance Company of America, 150 William Street, New York, New York, in the amount of $62.78, as of January 14, 1948, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Allianz Versicherungs-Aktiengesellschaft, also known as Allianz und Stuttgarter Verein Versicherungs Aktiengesellschaft, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-1659; Filed, Feb. 25, 1948; 8:51 a. m.]

[Vesting Order 10647]

ALBERT JAUCH

In re: Bank account owned by Albert Jauch, also known as Albert Gauch. F-28-23115-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albert Jauch, also known as Albert Gauch, whose last known address is Nursburg, Baden, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: That certain debt or other obligation owing to Albert Jauch, also known as Albert Gauch, by Society for Savings in the city of Cleveland, 127 Public Square, Cleveland, Ohio, arising out of a Savings Account, account number 606063, entitled Albert Jauch, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1660; Filed, Feb. 25, 1948; 8:51 a. m.]

[Vesting Order 10649]

KATHE LAUBINGER

In re: Bank accounts owned by Kathe Laubinger also known as Kathe Lanbinger. F-28-3467-E-2, F-28-3467-E-3, F-28-3467-E-4, F-28-3467-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kathe Laubinger also known as Kathe Lanbinger, whose last known address is Dingstaette 7, Pinneberg, Holstein, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows:

a. That certain debt or other obligation of State Street Trust Company, Boston, Massachusetts, arising out of a Savings Account, account number 20084, entitled Kathe Laubinger by Joseph Kruger, Atty., maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of The First National Bank of Boston, 67 Milk Street, Boston, Massachusetts, arising out of a Savings Account, account number 20-4944, entitled Joseph Kruger, Attorney for Kathe Laubinger, 1 State Street, Boston, Massachusetts, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation of Harvard Trust Company, 1408 Massachusetts Avenue, Cambridge, Massachusetts, arising out of a Savings Ac-

count, account number 39597, entitled Joseph Kruger, Attorney for Kathe Laubinger, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Kathe Laubinger also known as Kathe Lanbinger, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-1661; Filed, Feb. 25, 1948; 8:51 a. m.]

[Vesting Order 10650]

WILHELM MORDAN AND ELLY ROSENBLATT

In re: Debts owing to Wilhelm Mordan and Elly Rosenblatt. F-28-13157-C-1, F-28-11824-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Mordan and Elly Rosenblatt, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the property described as follows:

(a) That certain debt or other obligation owing to Wilhelm Mordan, by Bertold Alexander Braun, Post Office Box 302, Beverly Hills, California, in the amount of $1,000.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

(b) That certain debt or other obligation owing to Elly Rosenblatt, by Bertold Alexander Braun, Post Office Box 302, Beverly Hills, California, in the amount of $1,200.00 as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1662; Filed, Feb. 25, 1948; 8:51 a. m.]

[Vesting Order 10651]

EMIL NIELSEN AND ANNA CAMINADES

In re: Bank accounts owned by Emil Nielsen and Anna Caminades. F-28-25652-C-1, F-28-25652-E-1, F-28-26493-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emil Nielsen and Anna Caminades, whose last known addresses are Germany are residents of Germany and nationals of a designated enemy country (Germany),

2. That the property described as follows:

a. That certain debt or other obligation owing to Emil Nielsen, by Security First National Bank of Los Angeles, 6th and Spring Streets, Los Angeles 54, California, arising out of a Term Savings Account, account number 393556, entitled Emil Nielsen, maintained at the branch office of the aforesaid bank located at 110 South Spring Street, Los Angeles 12, California, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Anna Caminades, by Security First National Bank of Los Angeles, 6th and Spring Streets, Los Angeles 54, California, arising out of a Term Savings Account, account number 394248, entitled Anna Caminades, maintained at the branch office of the aforesaid bank located at 110 South Spring Street, Los Angeles 12, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1663; Filed, Feb. 25, 1948; 8:51 a. m.]

[Vesting Order 10652]

HUGO SCHREIBER

In re: Bank account owned by Hugo Schreiber. F-28-8673-E-1, E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hugo Schreiber, whose last known address is (10) Leipzig 05, Koelkauerstr. 19 III, Rechts, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows:

a. That certain debt or other obligation owing to Hugo Schreiber, by The West Side Savings and Loan Association, 2025 West 25th Street, Cleveland 13,

Ohio, arising out of a Savings Account, account number 2687, entitled Hugo Schreiber, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Hugo Schreiber, by The Equity Savings and Loan Company, 5701 Euclid Avenue, Cleveland 3, Ohio, arising out of a Savings Account, entitled Hugo Schreiber, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-1664; Filed, Feb. 25, 1948; 8:51 a. m.]

[Vesting Order 10684]

WILHELM SCHAAF

In re: Estate of Wilhelm Schaaf, deceased. File No. D-28-10500; E. T. sec. 14916.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christian J. Schaaf and Wilhelmine Schaaf, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the Estate of Wilhelm Schaaf, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

3. That such property is in the process of administration by the Clerk of the County Court of Madison County, Nebraska, as depositary, acting under the judicial supervision of the County Court of Madison County, Nebraska;

4. That the property described as follows: An undivided two-thirds interest in that certain real property situated in Madison County, Nebraska, particularly described as:

Lot Three of Dudgeon's Addition to Norfolk, Madison County, Nebraska, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 4 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States,

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 10, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1665; Filed, Feb. 25, 1948; 8:52 a. m.]

UNION SPECIAL MACHINE CO. AND UNION SPECIAL MACHINE CORP. OF AMERICA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property
Union Special Machine Co., Chicago, Ill., Union Special Machine Corp. of America, Chicago, Ill.	1036, 1037, 1038, and 4385.	The undivided one-fourth part of the whole right, title and interest in and to the property hereinafter set forth, to Union Special Machine Co., and the undivided three-fourths part in and to the whole right, title and interest in and to the property hereinafter set forth, to Union Special Machine Corp. of America; to wit: Property described in Vesting Order No. 27 (7 F. R. 4629, June 23, 1942), relating to United States Letters Patent No. 2,148,377; property described in Vesting Order No. 201 (8 F. R. 625, Jan. 16, 1943), relating to United States Letters Patent Nos. 1,655,152; 1,687,377; 1,711,737; 1,718,427; 1,719,709; 1,725,591; 1,731,074; 1,730,453; 1,762,479; 1,764,846; 1,765,342; 1,765,493; 1,765,927; 1,768,126; 1,780,350; 1,791,419; 1,794,282; 1,795,373; 1,802,212; 1,807,639; 1,809,941; 1,810,617; 1,825,597; 1,827,594; 1,841,858; 1,841,859; 1,843,168; 1,854,851; 1,855,301; 1,857,032; 1,857,055; 1,857,057; 1,857,058; 1,861,540; 1,864,452; 1,864,453; 1,864,501; 1,864,502; 1,864,703; 1,884,025; 1,884,026; 1,884,027; 1,884,028; 1,884,032; 1,884,033; 1,899,816; 1,916,038; 1,917,726; 1,919,852; 1,922,066; 1,929,321; 1,929,322; 1,929,323; 1,940,358; 1,947,299; 1,961,970; 2,014,687; 2,156,536; 2,213,029; property described in Vesting Order No. 4817 (10 F. R. 6406, May 31, 1945), relating to United States Letters Patent Nos. 1,717,050; 1,760,955; 1,801,169; 1,825,454; 1,825,642; 1,827,696; 1,831,601; 2,103,478; property described in Vesting Order No. 68 (7 F. R. 6181, Aug. 11, 1942), relating to United States Patent Application Serial No. 293,903 (now United States Letters Patent No. 2,337,119).

Executed at Washington, D. C., on February 19, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-1668; Filed, Feb. 25, 1948; 8:52 a. m.]

[Vesting Order 10686]

EMILIE SCHMELZKOPF RENSING

In re: Estate of Emilie Schmelzkopf Rensing, deceased. File D-28-11460; E. T. sec. 15692.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Execu-

tive Order 9788, and pursuant to law, after investigation, it is hereby fond:

1. That Kurt Rohlwink, Erika Rohlwink, Hans Rohlwink, Lieschen Rohlwink and Carl Heinrich Tillman, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Emilie Schmelzkopf Rensing, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by F. M. Hohwiesner, administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Kern;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1666; Filed, Feb. 25, 1948; 8:52 a. m.]

[Vesting Order 10687]

ANNIE SCHMELZKOPF SCHOENER

In re: Estate of Annie Schmelzkopf Schoener, deceased. File D-28-11459; E. T. sec. 15690.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kurt Rohlwink, Erika Rohlwink, Hans Rohlwink, Lieschen Rohlwink and Carl Heinrich Tillman, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Annie Schmelzkopf Schoener, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

3. That such property is in the process of administration by F. M. Hohwiesner, as administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Kern;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-1667; Filed, Feb. 25, 1948; 8:52 a. m.]